

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

AT A SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA.

BEGUN AND HELD AT THE CITY OF TUSCALOOSA, ON THE FIRST MONDAY IN
NOVEMBER, 1837.

Tuscaloosa:

FERGUSON & EATON,

STATE PRINTERS.

1837.

BLANK PAGE

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

Monday, November 6, 1837.—On Monday the 6th day of November, in the year of our Lord one thousand eight hundred and thirty-seven, it being the day fixed by law for the meeting of the General Assembly, the following members of the House of Representatives appeared in the State Capitol, in the town of Tuscaloosa, were qualified and took their seats, viz:

From the county of Autauga—William Burt, T. W. Brevard, and John F. Jarnett.

Baldwin—C M Godbold.

Barbour—Greene Beauchamp.

Bibb—James W Davis and Robert Parker.

Blount—Joseph Tiffin and Enoch Aldridge

Butler—John W Womack.

Chambers—Charles McLemore.

Cherokee—G Clifton

Clarke—R P Carney.

Conecuh—J V Perryman.

Coosa—W W Morris.

Covington—Josiah Jones.

Dale—Abraham Warren.

Dallas—J M Calhoun and William S Phillips.

De Kalb—Solomon C Smith.

Fayette—William S. Taylor and Lawrence Brasher

Franklin—R A Baker and Theophilus Skinner.

Green—Solomon McAlpin, D P Bestor and John Erwin.

Henry—George W Williams and A C Gordon.

Jackson—C M Cross, Thomas Wilson and Robert T Scott.

Jefferson—Octavius Spencer and Benjamin Tarrant.

Lawrence—R Puckett, M Priest, H M Rogers and H M Stephenson.

Lauderdale—C Carmack, James M. Boston, George Simmons and E Sheffield.

Limestone—Joshua P. Coman, F B Nelson and Robert A High.

Lowndes—J L F Cottrell, R P McCord and John P Cook.

Macon—Joseph P Clough

Marengo—B G Shields and William J Alston.

Madison—John Vining, Parham N Booker, J W McClung, William Smith and Rodah Horton.

Marion—Joshua Gann.

Morgan—Milton McClannahan, William A Slaughter and Riley S Davis.

Montgomery—M Ashurst Samuel C Oliver and Alfred V Scott.

Mobile—Joseph Bates, Jr., and T L Toulmin.

Monroe—J O Rawls and S S Andress.

Perry—D Sullivan, L A Weissinger and C W Lee.

Pickens—Samuel Cochran, Thomas Williams and Joseph Martin.

Pike—Luke R Simmons.

Randolph—Thomas Blake.

Russell—Nimrod W Long.

Shelby—John M McClannahan and John T Primm.

St. Clair.—R Hammond and J W Cobb.

Sumter—W W Payne.

Talladega—William B McClellan.

Tuscaloosa—William Simonton, M D Williams Pleasant H May and B F Porter.

Walker—James Cain.

Washington—John H Owen.

Wilcox—John W Daniel and W R Ross.

On motion of Mr Cottrell, Mr Erwin was called to the chair and Gideon B Frierson appointed clerk, pro tem. The House then proceeded to the election of a Speaker—James W McClung and Benjamin G Shields being in nomination.

Those who voted for Mr McClung, are Messrs Alston Andrews Ashurt Baker Bates Bestor Blake Booker Brevard Burt Calhoun Cane Clifton Clough Cobb Coman Cook Cottrell Daniel Davis of M. Erwin, Horton Jones of C. Lee Long Martin McAlpin McClannahan of M. McClannahan of S McCord McClellan McLemore Oliver Perryman Phillips Porter Priest Puckett Ross Scott of M. Simmons of P. Simonton Skinner Slaughter Smith of D. Spencer Stephenson Sullivan Tarrant Weissinger, Williams of H. Williams of T. and Womack.

Those who voted for Mr Shields, are Messrs Aldridge Beauchamp Boston Brasher Carmack Carney Cochran Cross Davis of B. De Jarnett Gann Godbold Gordon Hammond High May Morris Nelson Owen Parker Payne Primm Rawls Rogers Scott of J. Sheffield Simmons of P. Smith of M. Taylor Tiffin Toulmin Vining Warren Williams of P. and Wilson.

The Hon. James W McClung having received fifty three votes, and that being a majority of the whole number given, Mr Chairman declared him duly elected Speaker of the House of Representatives—was conducted to the chair, made his acknowledgments to the House for the honor conferred, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a principal clerk, Gideon B Frierson alone being in nomination and having received all the votes given, was declared duly elected, was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a doorkeeper, John Tatom and Charles Beal being in nomination, and Mr Tatom having received eighty-four votes, that being a majority of the whole number given, Mr Speaker declared him duly elected doorkeeper, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an assistant clerk, William Garrett, Thomas Thornton, A L R Thompson, Charles G Cummins and M C Henry being in nomination.

Those who voted for Mr Garrett are Messrs Speaker Aldridge Baker Bates Bestor Blake Boston Clifton Clough Cobb Coman Cross Davis of M. DeJarnett Hammond High Horton Long McAlpin McClan-

ahan of M. McClellan Morris Nelson Puckett Ross Scott of J. Scott of M. Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of M. Spencer Tiffin Toulmin, Vining William of H. Wilson and Womack.

Those who voted for Mr Thornton, are Messrs Brasher Cane Gann Sheffield and Taylor.

Those who voted for Mr Thompson, are Messrs Cook Cottrell May and McCord.

Those who voted for Mr Cummins, are Messrs Alston Andrews Booker Martin Oliver Owen Payne Porter Simonton and Williams of T.

Those who voted for Mr Henry, are Messrs Ashurst Beauchamp, Brevard Burt Calhoun Carmack Carney Cochran Daniel Davis of B. Erwin Godbold Gordon Jones of C. Lee McClannahan of S. McLe-more Parker Perryman Phillips Priest Rawls Rogers Stephenson Sullivan Tarrant Warren Weiss-inger and Williams of P.

Neither of the candidates having received a constitutional majority, the House proceeded to a second balloting—the names of Messrs Thornton, Thompson and Cummins being withdrawn.

Those who voted for Mr Garrett, are Messrs Speaker Aldridge Alston Andrews Baker Bates Bestor Blake Booker Boston Brasher Cane Clifton Clough Cobb Coman Cross Davis of M. De Jarnett Gann Godbold Hammond Horton Jones of C. Long Martin McAlpin McClannahan of M. McClellan Mor-ris Nelson Oliver Owen Puckett Scott of J. Scott of M. Sheffield Simmons of L. Simmons of P. Skin-ner Slaughter Smith of D. Smith of M. Spencer Taylor Tiffin Toulmin Vining Wilson and Womack.

Those who voted for Mr Henry, are Messrs Ashurst Beauchamp Brevard Burt Calhoun Carney Car-mack Cochran Cook Cottrell Daniel Davis of B. Erwin Gordon High Lee, May McClannahan of S. McCord McLemore Parker Payne Perryman Phillips Porter Priest Primm Rawls Rogers Simonton Ste-phenson Sullivan Tarrant Warren Weissinger Williams of P. and Williams of T.

Mr Garrett having received a majority of all the votes given, Mr Speaker declared him duly elected assistant clerk, he was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an engrossing clerk, Thomas Price, Daniel Peyton, Lemuel G. McMillion, and Henry T. Anthony, being in nomination,

Those who voted for Mr. Price are Messrs. Speaker Address Ashurst Baker Bates Blake Booker Brevard Burt Cane Carney Clifton Clough Coman Cook Cottrell Cross Daniel Davis of M. Godbold High Jones of C. Lee Long McClannahan of M. McCord McClellan McLemore Nelson Oliver Puckett Rawls Rogers Ross Scott of J. Scott of M. Simmons of L. Skinner Slaughter Smith of D. Stephenson Williams of H. Wilson and Womack.

Those who voted for Mr. Peyton are Messrs. Brasher Carmack Gann Gordon Martin Owen Priest Simmons of P. Taylor Warren and Williams of P.

Those who voted for McMillion are Messrs. Aldridge Alson Beauchamp Boston Calhoun Cobb Coch-ran Davis of B. De Jarnett Hammond Johnson McClannahan of S. Morris Owen Perryman Primm Sheffield Shields Smith of M. Spencer Sullivan Tarrant Tiffin Toulmin Vining and Weissinger.

Those who voted for Mr. Anthony, are Messrs. Bestor Erwin May McAlpin Payne Phillips Porter Simonton and Williams of T.

Neither one of the candidates having received a majority of the whole num-ber of votes given, the House proceeded to a second balloting—the name of Mr Anthony being withdrawn.

Those who voted for Mr. Price, are Messrs. Speaker Address Ashurst Baker Bates Bestor Blake Book-er Brevard Burt Cane Carney Clifton Clough Cook Cottrell Cross Daniel Davis of M. Godbold High Jones of C. Lee Long McAlpin McClannahan of M. McCord McClellan McLemore Nelson Oliver Owen Porter Priest Puckett Rawls Rogers Ross Scott of J. Scott of M. Simmons of L. Skinner Slaugh-ter Smith of D. Stephenson Toulmin Williams of H. Wilson and Womack.

Those who voted for Mr. Peyton, are Messrs. Brasher Coman Gann Gordon Martin May Payne Simmons of P. Simonton Taylor Warren and Williams of T.

Those who voted for Mr. McMillion, are Messrs. Aldridge Alston Beauchamp Boston Calhoun Car-mack Cobb Cochran Davis of B. De Jarnett Erwin Hammond Horton McClannahan of S. Morris Parker Perryman Phillips Primm Sheffield Shields Smith of M. Spencer Sullivan Tarrant Tiffin Vin-ing Weissinger and Williams of P.

Mr Price having received a majority of the whole number of votes given, Mr Speaker declared him duly elected engrossing clerk, he was then qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Messenger, James Rather, B. Ivy, and Samuel Davenport being in nomination, Mr Rather received sixty-eight votes which being a majority of the whole number given, Mr Speaker

declared him duly elected Messenger, he was then qualified and entered upon the discharge of the duties of his office.

A Message was received from the Senate by Mr Conner their Secretary—

Mr Speaker: I am instructed to inform the House of Representatives that the Senate are now organized by electing the Honorable Jesse Beene, President; C. D. Conner, Secretary; Thomas B Childress, Assistant Secretary, and Armstead R. Thomas, door keeper, and are now ready to proceed to business.

Ordered, that the communication lie on the table.

On motion of Mr Puckett, *Resolved*, That the Senate be informed that the House of Representatives are now organized, and ready to proceed to business; that they have elected the Hon James W. McClung, Speaker; Gideon B. Frier-son, Principal Clerk; William Garret, Assistant Clerk; Thomas Price, Engrossing Clerk; John Tatom, Door keeper, and James Rather, Messenger.

On motion of Mr Williams of T. *Resolved*, That a committee be appointed on the part of the House of Representatives to act with such as may be appointed by the Senate to wait on his Excellency the Governor and inform him that the two Houses are organized, and are now ready to receive any communication he may think proper to make. Whereupon, Messrs Williams of T. and Smith of M. was appointed to act as the committee on the part of the House.

On motion of Mr Gordon, *Resolved*, That the following Standing Committees be appointed, to wit: a Committee on Privileges and Election; Enrolled Bills; Inland Navigation; Roads, Bridges and Ferries; Ways and Means; The Military; The Judiciary; Lands appropriated for Internal Improvement; Education; Accounts; Divorce and Alimony; The State Bank; The State Capitol; Indian Affairs; County Boundaries; and on Internal Improvement.

On motion of Mr Porter, *Resolved*, That as this house has received intelligence of the death of John Turner, a member elect from the county of Benton, the members thereof, in respect to his memory, will wear the usual badge of mourning for the space of thirty days.

Resolved, That the door keeper furnish the members of this House with the necessary crape.

On motion of Mr Owen, *Resolved*, That the rules of the House adopted at last session of the General Assembly, be the rules of the present session until otherwise ordered, and that one hundred and ten copies be printed for the use of the members.

And then the House adjourned until to-morrow morning ten o'clock.

Tuesday, November 7th, 1837.—M. H. Young, a member elected to represent the county of Tallapoosa, appeared in the House, was qualified and took his seat.

Accounts were presented by Messrs Payne, Williams of H. Coman and Cobb, which were severally read and referred to the committee on accounts.

On motion of Mr Gordon, *Resolved*, That the door keeper be instructed to contract for and furnish fuel and stationary for the House during the present session.

Mr Payne presented the petition of Richard D. Shackelford and others, praying the right to build a toll bridge across the Suckanatcha creek, which was read and referred to the committee on roads, bridges and ferries.

Mr Vining presented the petition of Thomas Lowry and Jacob H. Rice, praying to be refunded certain amount of money, which they had lost by fire, the same being bank notes of the Bank of the State of Alabama and its branches, which was read and referred to the committee on propositions and grievances.

Mr McClellan presented the petition of sundry citizens of the town of Talladega, praying an exemption by law from working on roads beyond the corporate limits of said town; which was read and referred to the committee on roads, bridges and ferries.

Mr Calhoun introduced a bill to be entitled an act to aid the Selma and Tennessee rail road company; which was read the first time and made the order of the day for a second reading on to-morrow.

A message was received from the Senate by Mr Childress, their assistant secretary, to wit:

Mr Speaker: The Senate have adopted the following resolution:

Resolved, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to inform his Excellency the Governor, that the two Houses are organized and ready to receive any communication he may wish to make, and have appointed on their part Messrs Rains, Lee, and Hudson.

Ordered, that said communication lie on the table.

On motion of Mr Calhoun, *Resolved*, That a select committee of five be appointed to inquire what fees have been charged or are claimed by the Governor, Treasurer, Comptroller, President of the State Bank, or Secretary of State, for their services in the insuance of State bonds, and the correctness of the same, if any have been charged or claimed, and that they report by bill or otherwise.

Ordered, that Messrs Calhoun, Smith of M. Shields, Carmack and High, act as said committee.

Mr Phillips presented the memorial of the members of the bar practising in the Second Judicial Circuit, praying a separate Court of Chancery for said Circuit; which was read and referred to the Judiciary committee.

Mr Williams of T. from the select committee appointed on the part of the House, to act with such committee as should be appointed on the part of the Senate, to wait on his excellency the Governor and inform him of the organization of both Houses, and of their readiness to receive any communication he might think proper to make, report that they have performed the duty assigned them, and have received for answer, that he will make a communication in writing to the House, this day at 12 o'clock.

Mr Porter offered the following resolutions, to wit:

1st. *Resolved*, That inasmuch as the system under which the Bank of the State of Alabama and its several branches are organized, is one creating a direct pledge of the faith and credit of the State for the ultimate redemption of their capital stock, a failure to manage the affairs of these institutions with prudence and economy, would inflict upon the good people of this State a depreciated currency and a most oppressive taxation.

2d. *Resolved*, That a positive responsibility is imposed upon the General Assembly of the State of Alabama to guard these Banks against all mismanagement, and to notice that their transactions be conducted with the most scrupulous regard to safety.

3d. *Resolved*, That the people of the State have a right to be informed by a most full and undisguised development of every particular relating to the condition of these Banks.

4th. *Resolved*, For this end, that a select committee, consisting of one from each judicial circuit, be raised by the chair, who shall prepare to be exhibited to the people of the State, a complete report of all matters connected with the ope-

rations of these Banks from their institution to the present time, and that said committee be authorized to send for persons and papers.

5th. *Resolved*, That it be a part of the duty of said committee, to inquire what amendments in the charters of these several banks be necessary; with leave to report by bill.

Mr Calhoun moved to postpone the further consideration of the same until Thursday next, and that one hundred copies thereof be printed for the use of House; which was carried.

On motion of Mr. Payne, *Resolved*, That the editors of the several newspapers in this town, or their stenographers, be permitted to take their seats in this House.

Mr John Greening, a member elected from the county of Dallas, appeared within the hall of the House; was qualified and took his seat.

Mr Speaker laid before the House the report from the Comptroller of public accounts in relation to the disbursements from the contingent fund, since his last annual report, which was ordered to lie on the table, and two hundred copies thereof ordered to be printed.

On motion of Mr Oliver, *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of lessening the number of directors of the State Bank and its several Branches, and of allowing a fixed salary in lieu of any accommodations in Bank, and what other changes, if any, should be made in our present system of banking; with leave to report by bill or otherwise.

Mr Baker presented the petition of sundry citizens of Franklin county, praying the removal of a certain election precinct; which was read and referred to the committee on privileges and elections.

Mr Puckett offered the following resolution, *Resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of compelling by law, justices of the peace, (and some others at least,) now exempt, to work on roads, with leave to report by bill or otherwise; which was lost.

On motion of Mr Clough, *Resolved*, That a copy of the resolutions adopted by this House in respect to the memory of Col. John Turner, be forwarded by the clerk of this House to his widow.

Mr Priest offered the following resolution, *Resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the propriety of repealing the law exempting students of public and private schools from working on roads, with leave to report by bill or otherwise; which resolution was lost.

On motion of Mr Booker, *Resolved*, That the Senate be invited to assemble in the Representative Hall, on Saturday next, at 11 o'clock, A. M., for the purpose of counting the votes and declaring the election of Governor; in pursuance of the provisions of the Constitution of this State.

Ordered, that the clerk acquaint the Senate therewith.

Mr Carmack presented the petition of Hiram Kennedy and Jacob Stuts, praying for relief, as therein shewn; which was read and referred to a select committee, consisting of Messrs Carmack, Simmons of L. and Nelson.

On motion of Mr Coman, *Resolved*, That there shall be a standing committee on rail roads.

On motion of Mr De Jarnett, *Resolved*, That a select committee be raised to investigate the claims against the State, growing out of the late Creek war, Messrs De Jarnett, Clough, Beauchamp, Young, McLemore, McClellan, Warren, Gordon, Long and Morris, was therefore appointed said committee.

And the House adjourned till 12 o'clock.

The House met pursuant to adjournment.

A message was received from his Excellency the Governor by Mr Gooch, his private secretary, which is as follows to wit:

EXECUTIVE DEPARTMENT, }
Tuscaloosa, Nov. 6, 1837. }

Fellow-Citizens of the Senate and House of Representatives:

The power and authority appertaining to the office of Governor of Alabama, having devolved upon me under the Constitution, since the election of the late Chief Magistrate to the Senate of the United States, though distrustful of my ability for the proper discharge of such a duty—I proceed, under a sense of obligation, and agreeably to the usage heretofore established in like cases, to 'give to the General Assembly, information of the State of the Government, and to recommend to their consideration, such measures as are deemed expedient.'

We are called upon, gentlemen, to renew our thanks to a kind and bountiful Providence, for the continued blessings which he has bestowed upon us as a people, during the year that has passed since your last annual meeting. Although we have been visited in the meantime with an extraordinary season of pecuniary pressure and distress, we have still been highly favored. The crops of grain and other necessities in most parts of the State have been abundant; and there has been made a fair average crop of our great staple production. With slight local exceptions the health of our people have been good, and general peace and tranquility have prevailed.

To provide if possible for the exigencies of the times, connected with, and growing out of great pecuniary convulsion to which I have alluded, my predecessor convened an Extra-Session of the General Assembly in June last. Among the Laws enacted at that Session, the most prominent and important was one, for "extending the time of indebtedness to the Bank of the State of Alabama and its branches—for legalizing the suspension of specie payments—and for other purposes." The operations and effects of this law furnish subjects which are expected no doubt to claim my attention, and will demand more or less of yours. I have only to observe, that for want of accurate information it is out of my power to speak definitely and fully respecting the action of the several banks of the State under the law in question. Commissioners were appointed according to law, in proper time to examine into the condition and operations of all the banks, including the State Bank and branches and the two private Stock Banks in Mobile, whose several reports will be laid before you, it is presumed, early in the session, and will furnish you with full details of the business and transactions of all and each for the past year.

It affords me pleasure to bear testimony to the happy effect produced in our affairs by the law above mentioned. Within a very short period after its passage, distrust and alarm in a great measure subsided; and quiet and confidence between individuals respecting their pecuniary matters, were to a very considerable degree restored. I am informed by those who have had opportunities of knowing, that the number of suits brought to the Fall term of our Circuit Courts, as compared with the number brought to the previous spring Term of the Circuit Courts, or the summer Term of the County Courts was greatly diminished; in many counties as much as one-third or even one-half.

It gives me equal or even greater pleasure to inform you, that I do not perceive, that this law has had any effect in depreciating the notes of the State Bank and its branches, beyond the depreciation (compared with specie as a standard) which the suspension of specie payments had previously and unavoidably occasioned. The paper of our Banks continues to be received among ourselves without hesitation, at *par*, even in the payment of judgement debts; and still passes currently, as I am informed, in most of the surrounding States. Amidst the general distrust and confusion which prevail, I am convinced, it may be truly said of Alabama, that she enjoys a currency which gives her citizens less vexation and trouble—in their domestic dealings at least—has more uniformity—and excites less apprehension of ultimate entire soundness than any other State in the Union. And to what is all this referable, but to the fact, that the faith and credit of the State are pledged for the redemption of her notes. That the credit of our paper should remain so good under the circumstances is another strong proof of the excellence of our State Bank system. Let us, gentlemen, steadfastly maintain and guard the State Bank system. And if we could only devise some mode of organizing our directories which would keep *selfish electioneers* out of our Boards, the last ground of apprehension for its permanency and success would be removed.

The Five Millions of State Bonds directed by the law of the late Extra-Session to be issued to the State Bank and its several branches in equal portions, were prepared soon after the adjournment—whether these Bonds or any part of them have yet been disposed of, I am not officially informed.

Before dismissing this subject, I should inform the General Assembly that the aforesaid law of the late Extra-Session, so far as it was designed to modify and amend the charters of the "Bank of Mobile" and the "Planters and Merchants Bank of Mobile" has been accepted by the Stockholders of those Banks respectively—and that the Executive was notified of such acceptance within the time prescribed by law, by satisfactory documents now on file in the proper department.

It is more than probable, gentlemen, that you will be called upon during your present Session to issue more State Bonds or to create more banking capital in some shape or other. For years past this has been the absorbing subject before our General Assembly, and I have little idea that the banking fever is yet entirely allayed. When we were prosperous and flourishing, men wanted more banking capital to facilitate the business, and develope, as they said, the resources of the country. Now, that we, together with the whole Union, are suffering under the effects of a great pecuniary convulsion, there is no remedy for our disorders, with many, but more banks and banking capital, I am candidly of opinion, gentlemen, that we do not want any more baking capital. I am under the impression that we have already more than prudence ever recommended, or our just want required. As to the evils of the times, they have been brought upon this State and upon the whole Union, in a great measure, by a heedless creation of banks and wild and prodigal issues of bank paper. The whole country is reduced just to

that point where there is no resource left but the simple and natural one of growing and working out of its difficulties. In respect to the Banks which we now have, there is one object which above all others we should keep steadily in view—the resumption of specie payments—and we shall have enough to do to accomplish that object. And the State Bonds now undisposed of should be so employed as to effect, if possible, this great object; they should then be promptly taken up and cancelled and not be permitted in my humble judgment, upon any account, to become permanently added to the present banking capital of the State.

In the discharge of that part of my duty, by which I am required to recommend to the General Assembly such measures as I may deem expedient, I would respectfully call your attention to a thorough revision of the Criminal Law, and would further recommend to you the adoption of the Penitentiary system of punishment. This subject is not a novel one with the General Assembly of Alabama I am aware, yet a sense of my duty and its importance constrains me to invite your attention to it again.

Our penal code is defective—in my opinion radically so; the system is wrong. What is the great end and aim of human punishment? It is not vengeance—it is not retribution—it is this and no more—to terrify evil doers—to deter men from crime. And how is this to be accomplished? There is one only means—certainty of adequate punishment. No penal code can ever be effectual which does not utterly shut out and take away from the offender all hope and expectation of escape or impunity after his guilt has been made manifest by proof. And what penal code can ever do this which does not or cannot justly graduate and apportion the punishment to the offence? None. Hence all experience proves, that where punishment is too sanguinary and severe, it can never secure the requisite certainty; courts, prosecutors, witnesses, and jurors, are at last but men, and their several duties and even their oaths are not more binding or controlling than the instructive principles of justice and humanity; these are ever seeking to apportion punishment to crime, and where this cannot be done, will rather suffer the guilty to escape altogether, than to inflict upon him excessive punishment. In such cases too, where the other means of escape fail, the pardoning power is almost always invoked with success. It need hardly be remarked, that where the punishment is too slight, or inadequate, though it may be certain, it can never be effectual. Scrutinized by these principles, we find the defect which lies at the very root of our present penal code. Some of our punishments are too sanguinary: others too slight; and all more or less incapable of being properly apportioned to various and different degrees of guilt. The only instruments and means of punishment known to our laws, are whipping, branding the pillory, confinement in our common jails and death. Among these, death is too sanguinary ever to secure certainty of punishment, except for a very few of the most atrocious crimes—perhaps it may be properly considered a just and suitable punishment for the crime of *wilful and deliberate murder* only. And yet, various other offences and an inferior grade, of that offence also are punished, or rather declared to be punishable with death by our law. Whipping, branding, and the pillory, are punishments too barbarous in their character, and too revolting to the sensibilities of civilized society to secure certainty in any case; for minor offences at least; and they are too slight in their character as an adequate punishment for the more heinous offences; their duration of pain is too short, and the ignominy attached to them, operates too unequally, to be estimated as a substantial part of the punishment, inasmuch as ignominy can cause but little terror to a majority of those who are prosecuted for infamous offences. In respect to the remaining punishment under our present system, namely, confinement in our common jails, it becomes, in many cases, I believe, a favor rather than punishment; the prisoner lives in idleness and ease at the State's expense. And a common jail where numbers have to be confined together, is the most complete sink of moral debasement and corrupting associations, that can be imagined—the prisoners body becomes enervated—his heart depraved—his feelings debased—and when he is turned loose, he is, in nine cases out of ten, a walking mass of moral contagion.

Not to go into greater detail, it must be apparent to every man who has bestowed the slightest attention on the subject, that our present system is wholly ineffectual in respect to two very common offences;—and these two are both of them offences which most intimately concern the peace and welfare of society. I allude to what in some of the States is known and distinguished as 'Murder in the second degree'—and 'Assault and battery with intent to commit murder.'

We hear of homicides in different parts of the State continually, and yet how few convictions for murder, and still fewer executions? How is this to be accounted for? I can conceive of no other sufficient reason but this; most of these homicides are murderers in the second degree; that is, homicides done not upon cool and deliberate malice, such as is manifested by previous threats—old grudges—lying in wait—poisoning—and concerted schemes to kill—but such as occur upon recent quarrels or sudden combats, where deadly weapons are resorted to without a strict or absolute necessity for their use in self defence; or in other words homicides upon malice impelled by law. Such is the class of homicides which most frequently occur in our country and are prosecuted in our courts as murders—in the *first degree* as matter of course—no other distinction being known to our law. Juries in such cases will not convict in one case in every ten, as experience proves. Why? Death is too rigorous, too awful a punishment for a majority of these cases; and juries having in most instances no alternative left but to hang or acquit, they will oftentimes acquit even when persuaded fully that the law demands at their hands a different verdict. And further—when nature revolts at the consequences of a finding against the prisoner, and when always instructed by the courts that *doubt* amounts to an acquittal, how easy and how natural is it for juries to satisfy and quiet their consciences with doubts over a subject so perplexed and intricate as the crime of murder, and acquit a guilty man while they ever persuade themselves that they are acting up to the obligation of their oaths.

In regard to the other offence mentioned namely "*Assault and Battery with intent to commit murder*" why is it that this offence continues so common—why do we hear of stabbings and shootings almost daily in some part or other in our State? It cannot be justly said, I am aware, that the punishment denounced by our law against this offence, is too severe to ensure certainty. No; this objection does not lie here—it is one of quite a contrary character—for the punishment denounced against this offence, although it may be *certain* enough, is not *adequate*. The punishment is fine and imprisonment in our common jails—and reason and experience prove that it is insufficient in the *terror* which it inspires to prevent

the offence. Where, say the courts is the use of confining a man in our common jails, beyond a week or month at most? If he is a man without acute sensibilities he lies there at his ease and at the expense of the State. And if he be a man of proud and honorable feelings, the going to jail is the chief punishment, not the staying there; after being actually put in, his sensibilities soon become blunted—his situation loses its horrors with its novelty, and he is liable only to become a worse man the longer he remains in this state of idleness, inactivity and vicious association. The reasons in both cases are against imposing a long term of confinement in our common jails. And if these reasons are good, the system is bad.

Call next upon experience, and what does it prove, concerning the adequacy of this punishment to prevent or diminish the frequency of this offence. Is it not notorious, that dirks, dirk knives, Bowie knives and pistols, have been year after year, more common in the country? These disgusting instruments for human slaughter—most of them manufactured with the highest skill, curiously wrought and embellished, and very costly, are as regularly worn by thousands of men in the community, as any part of their necessary wearing apparel. And if the present punishment is adequate to their suppression, why have stabbings and shootings become so frequent, that the minds of peaceable men are kept continually shocked and agitated with either witnessing or hearing of this violent, bloody and outrageous offence? The evil calls loudly for a remedy.

And will a Penitentiary afford this, it may be asked? Such is my firm persuasion. I should be very happy to see Alabama try the experiment at least. A great many of the States have already tried it, and as I learn from authentic sources, have found it effectual. Some of the first experiments many years ago, did not succeed well, I am aware, but the system of *confinement and labor*, has now been matured and perfected by time and experience. At this day it prevails over more than two-thirds of the Union—among the rest, in two of our adjoining States, Georgia and Tennessee. Georgia a few years ago determined to abolish the system but soon discovered her error, and returned to it again; and its influence and effect in Tennessee have been, as I learn, of the most decided and salutary character. Homicides there are rare, and the presence of deadly weapons in contests between man and man extremely so; and yet Tennessee a few years ago, and before the establishment of her penitentiary, was as celebrated for shooting, stabbing, and homicides, as Alabama now is. Nothing will ever do this, I believe, but a penitentiary; for the great principle upon which that system depends, guarantees its success. Confinement and hard labor can be so limited or extended, both in their duration and degree, as to furnish to juries the means of assigning with accuracy to every species of crime, and to every separate instance of even the same species of crime, the just and proper quantum of punishment it deserves; this will and must secure *certainly adequate punishment*; and that will *deter offenders* and suppress crime.

But it is sometimes objected that the penitentiary system is more expensive than our present system. The objection I do not consider well founded. Take out the original cost of erecting the buildings, and I am satisfied, from statistics which have come under my observation, that a well regulated penitentiary after a few years would defray its own expenses. Many, nay, most of the well regulated penitentiaries in the Union, not only defray their own expenses, but are a source of some little revenue to the State? Under our present system, we have to pay annually several thousand dollars in jail fees for victualling offenders, and this much would in all likelihood be saved. I cannot accurately ascertain, what the State has to pay on an average yearly, for the purpose above mentioned, inasmuch, as no separate account of the item of "victualling offenders," has been kept. But the item for "apprehending, prosecuting, victualling and removing public offenders," amounted during the last year, to \$8,888 40, and I am inclined to think, that the item of *victualling* alone must have constituted at least half of that sum.

And what would be the cost of erecting penitentiary buildings for this State? Not more than fifty or sixty thousand dollars at the highest calculation. Several of the Eastern penitentiaries of large size, have been erected for sums far below this. The Connecticut penitentiary at Wethersfield, fitted up for 232 convicts, cost but \$35,000, the Baltimore penitentiary, for 320 convicts, cost but \$46,820 and the Nashville penitentiary in Tennessee, for 200 convicts, cost but about \$6,000. But what would fifty or even one hundred thousand dollars be to the people of Alabama, who for three years past, have not paid one cent of State tax, and have an overflowing treasury, provided they could thereby secure an efficient and wholesome administration of penal justice?

Another objection usually made to the adoption of the penitentiary system, is, that when a penitentiary is once established, every trifle is made a penitentiary offence. This objection does not go the principles, but relates altogether to the details of the system. The people can surely confide this matter of detail and expediency with every other, to their representatives, who are as likely to consult their wishes, and obey their instructions, who are as likely to consult their honor, and obey their instructions in this, as in other cases. I consider this a complete answer to the objection.

Another strange objection is sometimes made to the penitentiary system, is this: that the degradation of confinement in a penitentiary, is too extreme to connect with offences which honorable and high-minded men are liable in the frailty of human nature to commit. This objection comes, in general, from such as think it more high minded to decide their quarrels with the Bowe knife and pistol, than to inculcate and practice respect to civil authority, and obedience to laws. If these high minded individuals stand in such dread of the degradation of confinement in a penitentiary, it is in my mind, the most convincing argument for the adoption of the system. High minded men ought, of all others, to be law-abiding men—if they be truly high minded, they will be so; from such examples of obedience and submission are expected. Mere pretenders will be alarmed into submission, and that is what is most needed. Their pride will do, what their principle will not. When these are held in check, it is easy to control the ignorant and unpretending.

It is sometimes even urged that criminals are too well treated in a penitentiary. I am for my own part, inclined to think, that hard labor—coarse food and clothing—absolute silence during the day, and solitary confinement during the night, are as much as human nature can well endure; especially when continued for months or years together. These added to the ignominy of the punishment, make penitentiaries, as I conceive, the most effectual *terror* to evil men that the wit of man ever yet devised.

I have said nothing of the salutary influence, which this mode of punishment is calculated to exert upon the offender himself, as compared with the contrary influence which our present system is known to have—of the exercise of body he enjoys—the means of moral improvement thrown in his way—and the trade he acquires as contrasted with the enervation of body, and corruption of mind which the inactivity and vicious associations of our common jails must ever produce; as has been my purpose to glance but slightly at the prominent features of the important subject in hand, I will simply mark in conclusion of this subject, that in my humble judgment, nothing which the present General Assembly could do would so much redound to the welfare of the State, and their own honor as the establishment of a penitentiary; and with these impressions, I again cordially recommend them to that measure.

I beg leave to inform the General Assembly, that I have had applications of late from citizens of those counties of the State embraced by the Cherokee country, to raise and station in their vicinity a sufficient military force to afford them protection in case of any sudden breaking out of hostilities on the part of the Cherokees; which seems to be somewhat apprehended. I have not acceded to the wishes and requests of this portion of our fellow citizens, in part, because I did not conceive that I had the power to do so, and partly because the session of the General Assembly was so near at hand, that the subject could be speedily taken into consideration by them, should necessity require. Georgia, Tennessee and North Carolina, as I understand, have forces stationed on the borders of the Cherokee country, to protect their citizens. The General Assembly can inquire and determine whether it is expedient and proper to follow their example in this respect.

A letter was received at this department, in August last, from the Secretary of War, advising the Executive that General Jessup was authorized to make a requisition on Alabama, for such militia and volunteers as in his judgment might be required in the prosecution of the present campaign against the Seminole Indians in Florida. On the 16th September, a letter was received from the Secretary of War, referring to the former, in which the Executive is informed that the authority for a call is countermanded. Affairs remained thus, until the 17th October, when a letter under date the 3d of that

month, was received from General Jessup, advising me of his authority from the Secretary of War, to call upon Alabama for troops, and signifying his acceptance of the volunteers, who had heretofore tendered their services from North Alabama. And on the 19th of October, I received authority from the Secretary at War, to respect the call of General Jessup, and on the 20th I despatched an express to General Andrew Moore, to whose brigade the volunteers belonged, authorizing him, if Major Churchill of the United States army was not in the neighborhood, to cause the officers of the regiment to be elected, and press on to Florida without delay, to receive the orders of General Jessup. To expedite the march would be lengthened by passing by Mount Vernon. I took the responsibility of giving to the Colonel of the regiment an order for the public arms, &c., at Montgomery, Irwinton, or elsewhere, in the direct route, with the understanding that the regiment should not be mustered out of service until its return to Alabama, when the arms, &c., could be returned to their proper depositories. In answer to which, General Moore informed me, that Major Churchill was in that neighborhood, and was expected to muster the volunteers into service on the 26th of October, and by this time, it is expected, have advanced far towards the scene of their intended operations.

The question I know has been extensively agitated, and it is therefore probable that the present General Assembly be urged to lend its assistance by memorial or instructions to our Senators in Congress, to the recharter of the Bank of the United States, or the establishment of another National Bank. It will not be deemed out of place therefore, I trust, if I should concisely state my views and opinions on this subject. The late Bank of the United States I even considered unconstitutional in its inception; the powers bestowed upon it as enormous, oppressive to other incorporations, dangerous to the States, and dangerous to public liberty. Its conduct especially during the latter years of its existence I look upon as corrupting to public morals, presumptuous by its interference in politics, and highly delinquent, and with insolent and insulting to the Government of the people, of which it was but an ill-starred progeny. I accordingly regret when its charter expired, and sincerely trust never to see another National Bank of any kind established. Such an institution can never be in my opinion constitutional, and I look forward to the time when it will no longer be deemed a hindrance to the successful operation of the fiscal affairs of the Federal Government. The opinion is entertained by many of the most enlightened statesmen of our country that the fiscal affairs of the Federal Government can be conducted with safety and success without the aid of banks either State or National in any manner whatever. The present administration of the General Government seem to be earnestly recommending the policy of separating the connection between Bank and State effectually and forever. From the best reflection which I have bestowed upon the subject, I have arrived at the opinion that this is a policy which deserves the most hearty co-operation of the General Assembly in its usual and constitutional modes in which that co-operation can be afforded.

I deeply regret that I cannot speak of our University, as equalling in prosperity its very ample endowment, and just expectations of the public. As to what cause its declension is mainly attributable there is a variety of opinion, seems however agreed by all, that it is either from opposition to the Faculty without, or to an improper administration of discipline, in consequence of which the students are not inspired with proper sentiments of respect and esteem to their preceptors, or else from a radical defect in the organization of the Institution. A large number of our well educated fellow citizens entertain the belief that its success would be greatly advanced by an adoption of the open system (it is designated,) a system which dispenses with a continuous Presidency, and substitutes in its stead, an alternate occupancy of the chair, by the different professors. The chief advantages of this system are understood to be the suppression of all feelings of rivalry and envy towards the President on the part of his associates, and the equalization of the responsibility of the different members of the Faculty. Its success in the University of Virginia should commend it to our regard, if this were the proper period for organization.

At a meeting of the Board of Trustees convened in July, the President and Professors resigned their situation. The Professor of Chemistry, &c., afterwards consented to withdraw his resignation, and was continued in his place. The presidency was filled by the election of the Rev. Basil Manly, D. D., of Charleston, South Carolina, an individual of fame speaks in high terms, both as a Minister of the Gospel, a scholar, and a gentleman; the other chairs are still vacant but are expected to be filled at the next meeting of the board. After which we may be allowed to hope, that we shall witness our University rivaling the most distinguished Institutions of learning around us, and unsurpassed by any in brilliancy, and usefulness of its career.

Our University is the hope of the State, and should be cherished, and overlooked, with the deepest solicitude. I respectfully suggest to the General Assembly the propriety of so re-organizing the Board of Trustees as to provide a sufficient number of Trustees within convenient distance of the University to watch over and attend to such matters connected with the interests and prosperity of the Institution, as are constantly recurring, and require immediate attention. The body of the Board under the present organization are too remote to afford any attention except at regulated periods. This is certainly a great defect and should be remedied.

I beg leave to invite the consideration of the General Assembly to the propriety of establishing a State Library. An establishment would be the means of preserving the books, which we already have, or may hereafter acquire, it would bring within the reach of every department of the Government, a fund of knowledge, the possession of which is highly important in the discharge of public duties.

Several, perhaps most of the States have gone in advance of us upon this subject—and while our population and resources are receiving such great accession, should not a just pride prompt us to adopt all proper measures to improve the condition of our people, and to give elevation to the character of the State?

Should these suggestions be regarded with favor, I would respectfully recommend that an arrangement be authorized with the library company of the Supreme Court, by which the books of that association, and those the State now may hereafter obtain, be placed together, to make the beginning of a library to which additions can be made.

The duties imposed upon this department by act of the last Legislature, of appointing a commissioner, to receive, examine, audit and settle all claims against the State growing out of the late Indian hostilities, and of appointing commissioners, "to revise the Militia Laws of the State of Alabama," were performed by my predecessor, by the appointment of Major Henry L. Martin to the former, and Generals Crabb, Bradford, and Booth to the latter. From these commissioners you will doubtless receive reports, informing you in what manner they have performed their duties.

In taking leave of you, Gentlemen, I humbly invoke the blessings of the Great Ruler of the Universe upon your deliberations; may the measures which you may deem it expedient to adopt during your present session redound to the common welfare of Alabama, meet the approbation of your constituents, and promote your individual honor and happiness.

HUGH McLEOD

The House then adjourned until to-morrow morning at ten o'clock.

Wednesday, November 8, 1837.—A message was received from the Senate by Mr Childress, their assistant secretary.

Mr Speaker: The Senate have adopted the following resolution,

Resolved, That with the concurrence of the House of Representatives the Houses will assemble in the Representative Hall, on Wednesday the 8th inst. at the hour of 12 o'clock, for the purpose of counting the votes and declaring the election of Governor in pursuance of the provisions of the Constitution of this State.

Ordered, that the communication lie on the table.

Accounts were presented by Messrs McClannahan of S., Blake and Ashurst, which severally read and referred to the committee on accounts.

Mr Cottrell introduced a bill to amend the laws in relation to public roads in this State; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Cobb presented the petition of sundry citizens of Cherokee county, praying for relief as therein shewn; which was read and referred to the judiciary committee.

Messrs Calhoun presented the petition of Cassander Kelly and others, praying an alteration of the boundary of said county; which was read and referred to the committee on county boundaries.

Mr Cobb presented the petition of numerous citizens of Cherokee county, praying for a removal of the court house of said county; which was read and referred to the committee on county boundaries.

On motion of Mr McCord, *Resolved*, That the Speaker be authorized to appoint a standing committee on Propositions and Grievances.

Mr Morris offered the following resolution :

Whereas, the commercial importance and knowing prosperity of the town of Wetumpka justly entitles her citizens to a location of a portion of the banking capital of this State.

Resolved, That a select committee of be instructed to inquire into the expediency of establishing a branch of the State bank at said place, by a transfer of a portion of the capital stock of the Montgomery bank, or an agency at said place.

Mr Scott of M. moved to amend the same by striking out the words "a select committee" and insert in lieu thereof the words "committee on the State bank," was carried. The resolution as amended was then adopted.

Mr Phillips introduced a bill entitled an act more effectually to suppress the ill practice of gaming; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Cobb introduced a bill to attach part of Benton county to Cherokee county which was read for the first time.

Mr Clifton moved to lay the bill on the table, which was lost. The bill was then ordered to a second reading on to-morrow.

Mr Williams of T. introduced a bill to alter and amend the law now in force in relation to the president and directors of the Bank of the State of Alabama and its several branches; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Puckett introduced a bill to regulate the width of lanes and public roads in the county of Lawrence; which was read the first time.

Mr Phillips moved to lay the bill on the table which was lost. It was then made the order of the day for a second reading on to-morrow.

Mr Beauchamp introduced a bill to incorporate the Clayton Academy; which was read the first time and ordered to a second reading on to-morrow.

Mr Coman presented the petition of Thomas Lockln, a free person of colour, praying the passage of an act to emancipate his children, with the leave to remain in the State; which was referred to the committee on propositions and grievances.

On motion of Mr Morris, *Resolved*, That whereas the government of the United States has conveyed to the State of Alabama the Sixteenth Section in each township for the benefit of schools, and whereas in the execution of the treaty

with the Creek tribe of Indians in *March, 1832*, many of said sixteenth section were taken by Indian locations, and lands in lieu set apart for said township; it is thought in many instances of much less value.

Resolved, That the committee on ways and means be instructed to inquire into the best mode of obtaining an equivalent in money from the United States for the loss sustained by said locations. Also, the manner in which the amount of said loss shall be ascertained.

Mr Cottrell introduced a bill for the relief of deceased debtors of the different banks in this State; which was read the first time, and ordered to a second reading on to-morrow.

On motion of Mr Williams of T. *Resolved*, That the committee on the State bank be instructed to inquire into the expediency of authorising the State bank and the several branch banks to issue notes less than one dollar until the bank resume specie payments; with leave to report by bill or otherwise.

On motion of Mr Phillips, *Resolved*, That the Judiciary committee be instructed to inquire into the expediency of requiring justices of the peace to hold their courts once a month at the muster ground in their respective beats.

On motion of Mr Cottrell, *Resolved*, That the Secretary of State be and is hereby required to return, and communicate to the Speaker of this House, returns of the late election of Governor returned to that department.

Mr Speaker laid before the House the record and proceedings of the circuit court of Madison county, containing a decree divorcing John J Coleman from Emiline R. Coleman. Also, the record and proceedings of the circuit court of Jackson county, containing a decree divorcing Polley Finley from her husband Joseph Finley. Also, the record and proceedings of the circuit court of Augusta county, containing a decree of said court, divorcing Sarah Loyd from her husband Benjamin E Loyd. Also, the record and proceedings had in the circuit court of Shelby county, containing the decree of said court, divorcing Campbell McMurtry from his wife Nancy McMurtry; which were severally read and referred to the committee on divorce and alimony.

Mr Gordon presented the petition of sundry citizens of Henry county praying the removal of an election precinct therein mentioned, which was referred to the committee on privileges and elections.

On motion of Mr Coman, *Resolved*, That a select committee be composed of one delegate from Jackson, Madison, Limestone and Lauderdale counties be appointed, whose duty it shall be to inquire into the expediency of memorialising the Congress of the United States on the subject of a further appropriation for the completion of the canal around the Muscle Shoals in Tennessee river.

Whereupon, messrs Coman, Scott of J., Smith of M. and Carmack, were appointed said committee.

Mr Toulmin introduced a bill to amend an act entitled an act for the establishment of schools in the county of Mobile, and to provide a fund for the maintenance of the same; passed December 19th, 1837; which was read the first time and ordered to a second reading on to-morrow.

Mr Toulmin introduced a bill authorising the Mobile Institute to confer literary degrees and for other purposes; which was read the first time and made order of the day for a second reading on to-morrow.

Mr McClellan presented the petition of Christopher Kelly, of Benton county, praying to have refunded to him the amount of a fine he had paid; which was read.

Mr Erwin moved to lay it on the table; which was carried.

Mr Priest offered the following preamble and resolutions:—Whereas, the provisions made by the general government for the encouragement of education in this State have a partial effect only, owing to the great difference in the value of the sixteenth sections; and, whereas, the nett profits resulting to this State by her banking institutions, far exceeding the wants of the government, and must eventually terminate in a large and troublesome surplus. Therefore,

Resolved, That the committee on education be instructed to inquire into the expediency of appropriating dollars of the nett profits of the banks, so as to establish a school, with a fund of 100 dollars per annum, in each township in this State, containing twenty children of proper age for instructions, the annual value of their 16th sections inclusive; with leave to report by bill or otherwise, which was adopted.

Mr De Jarnett (who voted in the majority,) moved to reconsider the vote taken on a resolution heretofore adopted by the House, proposing to raise a select committee on Indian Expenditures. Mr Erwin then moved to postpone the further consideration of the subject until to-morrow, which was carried.

Mr High introduced a bill to authorise Washington Keys administrator of George Keys deceased, to remove sundry negroes from this State to the State of Mississippi; which was read the first time and ordered to a second reading on to-morrow.

Mr May introduced a bill to repeal the law authorising a change of *venue*; which was read the first time and lost.

Mr Aldridge introduced a bill allowing the first battallion of the fourteenth regiment of Alabama militia an additional company; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Sheffield presented the petition of sundry citizens of Lauderdale county, praying that they may have granted unto them, an assessor and tax collector for said county; which was read and referred to a select committee, consisting of the delegation from the county of Lauderdale.

On motion of Mr Booker, *Resolved*, That the House will forthwith proceed to the election of a committee on the part of the House to act with such committee as may be elected on the part of the Senate, to examine into the affairs of the Bank of the State of Alabama.

The House then proceeded to the election of said committee: messrs Calhoun, Payne, and Vining, alone being in nomination, each received eighty six votes, that being the whole number given; Mr Speaker declared them duly elected members of said committee.

The House then proceeded to the consideration of the orders of the day.

The bill to aid the Selma and Tennessee rail road company, was read the second time and referred to the committee on rail roads. And then the House adjourned till to-morrow 10 o'clock.

Thursday, November 9, 1837.—Mr Cottrell presented the petition of sundry citizens of Lowndes county, praying that Horatio G Harbin of said county may be authorised to erect gates on the road passing through his plantation; which was read and referred to the committee consisting of the delegation of Lowndes county.

Mr Phillips introduced a bill to be entitled an act to suppress mal practice by factors, carriers, and other agents; which was read the first time and ordered to a second reading on to-morrow.

A message from the Senate by Mr Childress—Mr Speaker: The Senate has adopted the following resolution, *Resolved*, That the Senate will on this day at

11 o'clock, elect a committee on their part, to consist of three members, to act with such committee as may be elected on the part of the House of Representatives, to examine and report the condition of the Bank of the State of Alabama and its several branches. They have elected Messrs Burk, Rather and Watrous, said committee. Ordered, that said communication lie on the table.

Mr Carmack, chairman of the committee to whom had been referred the petition of the purchasers of the sixteenth section, township one, range two west, in the county of Lauderdale; reported a bill for the relief of the purchasers of the sixteenth section, township one, range two west, in the county of Lauderdale, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Coman introduced a bill for the benefit of George W. Fisher, guardian of Lewis Griffin; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr Williams of T., *Resolved*, That the judiciary committee be instructed to inquire into the propriety and expediency of passing a law in relation to commission merchants in this State, so as to prevent the imposition that is practiced on the farmers of our country by persons who style themselves commission merchants, in Mobile, for the purpose of buying and selling of cotton; with leave to report by bill or otherwise.

Mr Nelson introduced a bill without a title, on the subject of proving accounts; which was read the first time and ordered to a second reading on to-morrow.

Accounts were presented by Messrs Womack, Williams of H., De Jarnett, Davis of M., Parker and Warren; which were respectively read and referred to the committee on accounts.

On motion of Mr Womack, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering the laws in relation to trials before justices of the peace, that the two justices of the peace in each beat throughout the State, may preside jointly in all trials, and hold their courts at their place of election in their respective beats monthly, and in case of appeal by either of the parties litigant, that the constable in each beat be authorised to summon a jury of seven men to try said appeal at the next monthly court of said justices; and that they report by bill or otherwise.

Mr Speaker announced the following as members of the standing committees:

On Privileges and Elections—Messrs Porter, Payne, Baker, Nelson, Gordon, Gann, Greening, Carmack, Cain.

On Enrolled Bills—Messrs McClellan, Bestor, McCord, Slaughter, Burt and Owen.

On Inland Navigation—Messrs Oliver, De Jarnett, Tarrant, McClellan, Carmack, Aldridge, Gordon, Baker, Puckett and Carney.

On Roads, Bridges and Ferries—Messrs Skinner, Clough, Beauchamp, Perryman, Ross, Tiffin, Braisher and Simmons of P.

On Ways and Means—Messrs Scott of J., Oliver, Horton, Bates, Ashurst, Spencer, McCord, McLemore, Stephenson and Morris.

On Military Affairs—Messrs Bates, McClellan, Toulmin, Porter, Cobb, Puckett, Carmack, Boston, Taylor, Hammond, Martin, Rogers and High.

On the Judiciary—Messrs Erwin, Smith of M., Williams of T., Calhoun, Alston, Cottrell, Lee, McAlpin, Womack, May, Payne, McLemore, Sullivan, Phillips, Shields, Williams of H., Owen and McClannahan of S.

On Lands appropriated for Internal Improvement—Messrs Vining, Carmack, Martin, Stephenson, Parker, McClannahan of M., Davis of M., Priest, Warren, Blake, Long and Simmons of L.

On Education—Messrs Shields, Bestor, Scott of M., Ashurst, Oliver, McAlpin, Womack, Payne, Booker, Erwin and Calhoun.

On Accounts—Messrs Greening, Weissinger, High, Erwin, Calhoun, Slaughter, Cochran, Ross, Davis of M. and Warren.

On Divorce and Alimony—Messrs. Alston, McClannahan of S., Sullivan, Williams of H., Cobb, Clough, Gordon and Jones of C.

On the State Bank—Messrs Smith of m. Scott of m. Shields, Phillips, Simonton, Booker, Greening, Horton, Baker, High and Tarrant.

On the State Capitol—Williams of T. Simonton, Priest and Rodgers.

On Indian Affairs—Messrs Lea, Scott of J. Perryman, Beauchamp, Warren, Smith of D'K. Cross, Daniel, Cain and Morris.

On County Boundaries—Messrs Owen, Tiffin, Wilson, Young, Smith of D'K. Andrews, Rawls, Blake and Clifton.

On Internal Improvement—Calhoun, Lea, Vining, Toulmin, Bestor, Weissinger, Williams of P. and Priest.

On Rail Roads—Messrs Coman, Brevard, Calhoun, Puckett, Cook, Carney, Primm, Godbold, and Clough.

On Propositions and Grievances—Payne, Davis of m. Taylor, Clough, Sheffield, Nelson, Wilson, Canton and Davis of B.

Mr Vining presented the petition of Rodah Horton and others, asking emancipation of Henry Walker, a free man of color; which was read. Mr Payne moved to lay the petition on the table; which was carried.

Mr Williams of T. introduced a bill to compensate Dennis Dent and Samuel M Meek for slaves executed according to law; which was read and ordered to a second reading to-morrow.

Mr Wm M King, a member elect from the county of Jackson, appeared in the House, was qualified and took his seat.

Mr McClannahan of S. presented the petition of sundry citizens of Columbiana, in the county of Shelby, asking that the town of Columbiana may be incorporated; which was read and referred to a select committee, consisting of the delegation from Shelby county.

Mr Long introduced a bill to incorporate the town of Gerard, in the county of Russell; which was read and ordered to a second reading on to-morrow.

Mr Warren presented the petition of sundry citizens of the county of Dale praying an appropriation by the Legislature for the purpose of clearing out obstructions in the Choctahatchee river, in said county; which was read and referred to the committee on inland navigation.

Mr Payne introduced a bill to establish a board of commissioners for the improvement of the navigation of the Tombecbee river, and for other purposes; which was read the first time and made the order of the day for a second reading on to-morrow.

Mr Porter presented the account of Henry Minor, clerk of the supreme court, for certain services rendered in State cases, decided in said court. Mr Calhoun moved to lay the account on the table; which was carried.

Mr Cooke presented the petition of the officers of the 5th brigade, 5th division of Alabama militia, praying an act of the general assembly furnishing them with tents and arms for a brigade encampment; which was read and referred to the committee on military affairs.

On motion of Mr Williams of H. *Resolved*, That the committee on the State bank be instructed to inquire into the expediency of laying off and dividing the State into five bank districts, having regard to the locality of the State bank and branches, as well as the convenience of the different counties of the State, and to report by bill or otherwise.

Mr Priest introduced a bill concerning the registration of deeds; which was read and ordered to a second reading on to-morrow.

Mr Coman presented the petition of James C. Malone, administrator *de bonis non* of the estate of Wyatt Wilkins, deceased, and also the guardian of said decedents children, praying to have certain real and personal property belonging to said estate sold; which was referred to the committee on propositions and grievances.

Mr Toulmin presented the petition of Polite Collins praying that the State may relinquish unto her all right that may or have accrued to the State by escheat on certain real estate therein mentioned; which was read and referred to the committee on propositions and grievances.

Mr Owen introduced a bill to explain an act establishing certain ferries in the county of Washington, passed January 5th, 1832, which was read and ordered to a second reading on to-morrow.

On motion of Mr May, *Resolved*, (if the Senate concur,) That the two Houses will assemble in the hall of the House of Representatives, on to-morrow at 12 o'clock, for the purpose of electing a state printer for the ensuing year. Ordered that the clerk acquaint the Senate therewith.

Mr Weissinger offered the following resolution, *Resolved*, That the committee on the State bank be instructed to inquire into the manner in which the president and directors of the State bank, and of the branch banks, have discharged their duties arising under the relief law passed at the late extra session of the Legislature, that said committee have power to send for persons and papers, and report by bill or otherwise. Mr Smith of m. moved to lay the resolution on the table; which was carried.

Mr McLemore introduced a bill for the relief of Seaborn W. Gray, administrator of the estate of Cynthia Mangham, deceased; which was read and made the order of the day for a second reading on to-morrow.

On motion of Mr Burt, *Resolved*, That the committee on roads, bridges and ferries be instructed to inquire into the propriety of establishing uniform rates of ferriage at the various ferries on the Alabama river.

Mr Horton introduced a bill for the relief of Henry L. Ward; which was read and ordered to a second reading on to-morrow.

On motion of Mr May, *Resolved*, That the committee on education be instructed to inquire into the expediency of establishing common schools throughout the State, and whether the financial condition of the State is such as to authorise the adoption of the proposed measure without resort to taxation.

Mr Stephenson introduced a bill to subject certain persons therein named to road duty; which was read the first time and lost.

The House proceeded to the orders of the day. The bill to amend the laws in relation to the public roads in this State was read the second time. Mr Cottrell moved to strike out the word 'slave,' where it occurs in the third line of the first section, with the view to insert in lieu thereof the word 'free,' which was carried. Mr Calhoun moved to amend by additional section. Mr Calhoun then moved to lay the bill and amendment on the table. Mr Erwin moved to postpone the further consideration of the subject until the first day of January next; which was carried.

The bill more effectually to suppress the evil practice of gambling, was read the second time and referred to the judiciary committee.

The bill to attach a part of Benton county to Cherokee county, was read the second time and referred to the committee on county boundaries.

The bill to alter and amend the law now in force in relation to the president and directors of the bank of the State of Alabama and its several branches was read the second time and referred to the committee on the State bank.

The bill to regulate the width of lanes in the county of Lawrence, was read the second time. Mr Puckett moved to amend by striking out the words 'twenty,' with the view to insert 'twenty-four' where the same occurs in the first section of the bill, which was carried; also in the same section the word 'fifteen' with the view to insert 'twenty,' which was carried. Mr Booker moved to amend the same by adding after the word 'Lawrence,' where it occurs in the first section of the bill, 'and Madison,' which was carried. Mr Scott of J. moved to amend by adding the word 'Jackson' after the word 'Lawrence.' Mr Erwin moved to refer the bill and amendments to the committee on roads, bridges and ferries; which was carried.

The bill to incorporate the Clayton academy was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill for the relief of deceased debtors of the different banks of this State was read the second time and referred to the judiciary committee.

The bill authorising the Mobile institute to confer literary degrees and for other purposes, was read the second time and referred to the committee on education.

The bill to authorise Washington Keys, administrator of George Keys, deceased, to remove sundry negroes from this State to the State of Mississippi was read the second time and referred to the judiciary committee.

The bill to amend an act entitled an act for the establishment of schools in the county of Mobile

and to provide a fund for the maintenance of the same, passed December 19, 1836, was read the second time and referred to the committee on education.

The bill allowing the first battalion of the fourteenth regiment of Alabama militia an additional company, was read the second time and referred to the committee on military affairs.

The House then proceeded to the consideration of Mr DeJarnett's motion to reconsider the vote taken on the adoption of the resolution offered by him, proposing to raise a standing committee on "the claims against the State growing out of the late Creek war." The question was then taken on the motion to reconsider and lost.

Ordered, that Messrs Cobb and Aldridge be added to the committee on county boundaries.

Ordered, that Mr Carmack be added to the select committee on the late Creek war expenditures.

On motion of Mr Puckett, *Resolved*, That in addition to the standing committees already raised, there be appointed also a standing committee on State printing; whereupon Messrs Puckett, May, McClannahan of S. Vining and Williams of H. were appointed said committee.

Mr McClannahan of M. offered the following resolution: *Resolved*, by the Senate and House of Representatives, that the following be added as an additional rule for the government of each house in conducting a joint vote of the two houses of the general assembly: Rule 52d—Whenever the two houses shall be assembled for the purpose of joint vote, each member shall answer from his seat when his name is called in its order, by the secretary or clerk, and any member failing or refusing to vote when his name is called shall be considered as having waved his right to vote, and shall not afterwards be allowed to do so. Which resolution, under the rule, lies over one day for consideration.

And then the house adjourned until to-morrow at ten o'clock.

Friday, November 10th—A message was received from the Senate by Mr Conner, their secretary.—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That a select committee of three members be raised by this House, to act jointly with a similar committee to be raised by the House of Representatives, for the purpose of investigating the manner in which the operations of the bank of the State of Alabama have been managed, and the conduct of the several officers thereof, touching the interests of said bank, and their treatment of any person or persons dealing therewith, or who have made application to do so, and the act of any officer of said bank, while such, calculated to operate on the character or interest of said Bank, or of such officer himself, with full power and authority to summon and compel the attendance of witnesses and to obtain such other evidence as may be deemed necessary to a full, rigid and thorough investigation into all the concerns of said institution, and the acts of its several officers in relation to the said bank, so as to ascertain and expose the manner in which it has been managed, and the policy, views and impulses, as far as practicable, of those who had the management thereof, and that the President of the State bank be requested to make a full and explicit statement to the committee and the Senate, of the particular transaction of his having drawn from the said bank, within the past year, some large amount of specie, and having the same placed on special deposit to his credit; and also, that said committee be instructed to inquire if the specie has been drawn from the bank, and by whom; and that the said president be permitted by the committee to examine before them any witnesses he may desire. They have appointed Messrs Crabb, Wilson and Lee said committee. In which they ask the concurrence of the House of Representatives. Ordered that the House concur in the said message; whereupon Messrs Smith of M. Porter and Williams of T. were appointed the committee on the part of the House.

Mr Henry T. Jones, a member elect from the county of Butler, appeared within the Hall of the House of Representatives, was qualified and took his seat.

Mr Booker presented the petition of sundry citizens of Madison county, praying to have that portion of Madison in which they reside attached to Marshall county, which was read and referred to a select committee composed of the delegation from the counties of Madison and Marshall.

A message was received from the Senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate concur in the resolution from the House of Representatives, proposing to go into the election of State printer on this day at 12 o'clock. Ordered that it lie on the table.

On motion of Mr May, *Resolved*, That the Senate be informed that the House is now ready to receive them in the hall of the House of Representatives, for the purpose of electing a State printer.

The Senate having repaired to the hall of the House of Representatives and taken their seats, the two houses proceeded to the election of a State printer. Messrs Ferguson & Eaton, publishers of the Flag of the Union, alone being in nomination, received one hundred and fifteen votes, being the whole number given, and were declared duly elected.

Mr Calhoun from the select committee to whom the subject had been referred, reported that the committee addressed a letter to the Governor, Treasurer, Comptroller, President of the State Bank and Secretary of State, all of whom, except the Secretary of State, answered that no fees had been paid to or claimed by them for the above services. The

Secretary states, that he has affixed the seal of State to five thousand State Bonds, for which he claims five thousand dollars, which however has not been paid to him. His letter is herewith reported. The committee can not but be surprised at such a claim. There is a total absence of all legal authority to sustain it, and if in any instance heretofore, it has been paid by the banks, it manifests in the opinion of your committee, very great carelessness and want of economy in the management of the money which has been intrusted to them. The Secretary might with the same propriety, charge any officer, which he is called upon to commission, for the seal which he affixes to his commission. The law referred to by the Secretary, clearly only authorized him to charge the fee of one dollar for his certificates, and the affixing the seal of State to those matters, which are merely of a private nature, and not for any services rendered the State. In conclusion your committee beg leave to offer the following joint resolution, and to recommend its adoption:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Secretary of State is not entitled to demand or receive any fee for the annexation of the Seal of the State to the State Bonds, or other public instruments. Mr Porter moved to commit the subject to the judiciary committee; which was lost. The question was then taken on concurring with the report of the committee and carried. The House then proceeded to the orders of the day.

The engrossed bill to incorporate the Clayton Academy, was read the third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

The bill to incorporate the town of Gerard in Russell county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The House then proceeded to the consideration of the resolutions offered by Mr Porter and made the order of the day for Thursday last. Mr Calhoun moved to postpone the further consideration of the same until to-morrow; and that it be made the special order for that time; which was carried.

Mr Davis of M. moved to reconsider the vote taken on ordering the bill to subject certain persons therein named to road duty; which motion was carried. The bill was then ordered to a second reading on to-morrow.

The bill for the benefit of George W. Fisher, guardian of Lewis Griffith, was read a second time and referred to the judiciary committee.

Mr Williams of H. moved to adjourn until to-morrow 10 o'clock. The hour of 2 P. M. not having yet arrived, and the order of the day as yet undisposed of. Mr Speaker declared the motion out of order. Mr Erwin appealed from the decisions of the Chair, and on the question of order being put, the opinion of the Chair was sustained by the House. Mr Womack then moved to suspend the orders of the day, which was carried; and the House on motion of Mr Womack adjourned till to-morrow, 10 o'clock.

Saturday, November 11.—A message was received from the Senate by Mr Childress, their Assistant Secretary:—Mr Speaker The Senate passed a bill of the following title, viz: An act to change the time of holding the county court of Montgomery county; in which they ask the concurrence of your honorable body.

The bill from the Senate to change the time of holding the county court of Montgomery county, was then read a first time and ordered to a second reading on Monday next.

Mr Speaker presented to the House the record of the circuit court of Conecuh county, containing the decree of said court, divorcing Mary Weaver from her husband Daniel Weaver: Also the record of said court containing the decree of said court, divorcing Mary Maniac from her husband Alexander Maniac: Also the record of the circuit court of Bibb county, containing the decree of said court, divorcing Gincy Tidwell, from her husband Peter B. Tidwell; all of which were severally read and referred to the committee on divorce and alimony.

Mr Speaker laid before the House the annual statement of the President of the Bank of the State of Alabama in relation to the affairs of the Bank: Also a detailed statement from the President of the Branch of the Bank of the State of Alabama at Mobile, in relation to the condition of said Bank: Also a statement showing the condition of the Branch of the Bank of the State of Alabama at Montgomery, made by the Cashier of said Bank: Also

the report of the commissioners appointed by his Excellency, the Governor, to examine into the affairs and condition of the Bank of the State of Alabama, at Tuscaloosa: Also a statement made by the President of the Bank of the State of Alabama, in relation to the sinking fund; all of which were severally read. On motion of Mr Shields, ordered that one thousand copies of the reports, made from the Bank of the State of Alabama and its several Branches, be printed in pamphlet form.

Mr Aldrige presented the petition of West Girley, praying to be attached to and made a citizen of Blount county; which was read and referred to a select committee, consisting of the delegation from the counties of Blount and Jefferson.

Accounts were presented by messrs. Carnack, Ashurst, McLemore and Porter, which were severally read and referred to the committee raised for the purpose of investigating the claims arising out of the late Creek war.

Mr McLemore presented the account of John Atkins, jailor of Chambers county; which was read and referred to the committee on accounts.

Mr Womack presented the petition of sundry citizens of Dale county, praying to be attached to the county of Covington; which was read and referred to a select committee, consisting of the delegation from the counties of Covington, Dale and Pike.

Mr Perryman presented the petition of Solomon Beasley and other citizens of Butler county, praying to be attached to the county of Conecuh; which was read and referred to a select committee, consisting of the delegation from the counties of Butler and Conecuh.

Mr Davis of M. presented the memorial of the President and Directors of the branch of the Bank of the State of Alabama at Decatur; which was read and referred to the committee on the State Bank.

Mr McLemore presented the petition of the court house commissioners, for the county of Chambers, praying the passage of an act authorising the judge of the county court and commissioners of roads and revenue of said county, to compensate them for services rendered by them; which was read and on motion of Mr McLemore, ordered that said petition lie on the table.

Mr Baker presented the petition of sundry citizens of Franklin county, praying to have divided the capital stock of the branch of the bank of the State of Alabama at Decatur, so as to have one half thereof in the town of Tuscumbia; which was read and referred to the committee on the State Bank.

A message was received from the Senate by Mr Childress, their assistant Secretary.—Mr Speaker: The Senate concur in the resolution from the House of Representatives, proposing to assemble in the Representative Hall, on Saturday, 11th inst. at 11 o'clock A. M. for the purpose of counting the votes and declaring the election for Governor, in pursuance of the constitution.

Mr DeJarnett presented the petition of J. W. Dardin and W. R. White, praying the right to construct a current ferry boat across the Alabama, at Washington in Autauga county; which was read and referred to the committee on roads, bridges and ferries.

Mr Andress presented the petition of sundry citizens of Monroe county, praying to have established certain election precincts therein named; which were severally read and referred to the committee on privileges and elections.

Mr Erwin from the judiciary committee, to whom had been referred the petition of Casandre Kelly and others, praying the passage of an act for the purpose mentioned in said petition, reported a bill to explain an act entitled an act for the relief of Casander Kelly, approved November 24th, 1836; which was read the first time and ordered to a second reading on Monday next.

Mr Calhoun introduced a bill for the relief of the legal representations of Turner Fry, deceased; which was read the first time and ordered to a second reading on Monday next.

Mr Lee introduced a bill for the better regulation of trade in the city of Mobile; which was read the first time and ordered to a second reading on Monday next.

Mr McMelian introduced a bill to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes; which was read the first time and ordered to a second reading on Monday next.

Ordered that leave of absence be granted to Mr Nelson for an indefinite period; granted—

A message was received from his Excellency, the Governor, by Mr Gooch, his private Secretary, as follows, viz:

Executive Department, Nov. 11, 1837.

To the General Assembly:—I have the honor to inform the General Assembly that since the last session of the Legislature, I have proceeded to make the following appointments, viz: William T. Jones to be judge of the county court of Clark county vice W. R. Hamilton: Armstead B. Dawson to be judge of the county court of Coosa county, vice Robert W. Martin. I have received the resignation of the judge of the county court of DeKalb county, but no appointment has been made. (Signed) HUGH McVAY.

On motion of Mr Coman, *Resolved*, That the Senate be now invited to assemble in the Representative Hall for the purpose of counting the votes for Governor, agreeably to a resolution concurred in by the two Houses. Ordered that the Clerk acquaint the Senate therewith.

The Senate then repaired to the Hall of the House of Representatives and took their seats: Mr Speaker then proceeded to open and publish the notes for Governor in the presence of both Houses of the General Assembly, when it appears that Arthur P. Bagby had received twenty-one thousand, eight hundred votes; and Samuel W. Oliver had received seventeen thousand, six hundred and sixty-three votes. Mr Bagby having received the highest number of votes, Mr Speaker declared him duly elected Governor of the State of Alabama, for the term of two years from the time of his installation.

Mr Cottrell from the select committee to whom was referred the petition of Horatio G. Harbin and others, reported a bill for the relief of Horatio G. Harbin; which was read and ordered to a second reading on Monday next.

Mr Sheffield from the select committee to whom was referred the petition of sundry citizens of Lauderdale county, praying the passage of an act authorising the election of an assessor and tax collector for said county, reported a bill to authorise the election of an assessor and tax collector for the county of Lauderdale; which was read the first time and ordered to a second reading on Monday next.

Mr Speaker laid before the House a communication from the commissioners appointed to examine into the affairs and condition of the branch bank at Mobile; which was read and referred to the committee on the State Bank.

The House then proceeded to the consideration of the orders of the day: The resolutions offered by Mr Porter, proposing to raise a select committee consisting of one from each judicial circuit, for the purpose of preparing, to be exhibited to the people of the State, a complete report of the matters connected with the operations of the banks &c. having been made the special order for this day. The House proceeded to the consideration of the same. Mr Porter moved to amend the fourth resolution, by striking out after the words "consisting of," the following: "One from each judicial circuit," and to insert in lieu thereof the following: "These on the part of this House to act with such committee as may be raised in the Senate;" which was carried. Mr Porter moved to lay the resolutions on the table; which was carried.

The engrossed bill to incorporate the town of Gerard in Russell county, was read the third time and passed. Ordered that the title be as aforesaid. Ordered that the same be sent to the Senate for their concurrence.

The bill to authorise persons to prove twenty dollars of their accounts, was read the second time and referred to the judiciary committee.

The bill to suppress mal practice in factors, carriers or other agents, was read the second time and referred to the judiciary committee.

The bill for the relief of the purchasers of the seventeenth section of township one, range ten west and for other purposes, was read the second time. Mr Hammond moved to amend the same by an additional section. Mr Payne moved to amend the amendment offered by adding of the word "St Clair," where it occurs in said amendment, the words 'and Sumter,' which was carried. The amendment as amended was then adopted. The bill was then on motion of Mr Williams of T. referred to the judiciary committee.

The bill to compensate Dennis Dent and Samuel M. Meek for slaves executed according to law, was read the second time and referred to the committee on propositions and grievances.

The bill concerning the registration of deeds, was read the second time and referred to the judiciary committee.

The bill to explain an act establishing certain ferries in the county of Washington, passed January 5th, 1832, was read the second time and ordered to be engrossed for a third reading on Monday next.

The bill for the relief of Seaborne B. Gray, administrator of the estate of Cynthia Mangham deceased, late of Chambers county, was read the second time and referred to the judiciary committee.

The bill for the relief of Henry S. Ward, was read the second time. Mr Carmack moved to postpone indefinitely the consideration of the bill; which was carried. Yeas 40, nays 48.

The yeas and nays being desired, those who voted in the affirmative, are Messrs: Alston, Address, Bostor Blake Boston Brazier Calhoun Carmack Clifton Conan Daniel Davis of B. Davis of M. DeJarnett Erwin Gann Greening Hammond Jones of B. Jones of C. King Long McAlpin McClannahan of M. Perryman Priest Rogers Scott of J. Sheffield Simmons of L. Simmons of P. Skinner Smith of M. Spencer Stephenson Tarrant Taylor Tiffin Warren and Williams of P.

Those who voted in the negative are Messrs. Speaker Ashurst Baker Bates Beauchamp Booker Breward Burt Cane Clough Cobb Cochran Cook Cottrell Cross Godbold Gordon Horton Lee Martin May McClannahan of S. McCord McClellen McLeomore Morris Oliver Owen Parker Payne Phillips Porter Prim Puckett Rawls Ross Shields Simonton Slaughter Smith of D. Sullivan Vining Weissinger Williams of H. Williams of T. Wilson Womack and Young.

The bill was then referred to the judiciary committee.

The resolution offered by Mr McClannahan of M. proposing an additional rule for the government of the two Houses, when assembled for the purpose of joint vote, was taken up for consideration. Mr Erwin moved to refer the same to a select committee; which was carried. Whereupon messrs. Erwin, Smith of M. and Shields were appointed said committee.

The bill to establish a board of commissioners for the improvement of the Tombeckbe river and for other purposes, was read the second time and referred to a select committee, composed of one member from each of the counties of Sumter, Greene, Marengo, Talladega, DeKalb, Washington, Pickens, Clarke, Shelby, Autauga, St. Clair, Cherokee, Coosa and Benton: Whereupon messrs. Payne, Erwin, Shields, McClellen, Smith of D. Owen, Williams of P. Carney, McClannahan of S. DeJarnett, Cobb, Clifton and Morris were appointed said committee.

The bill to subject certain persons therein named to road duty, was read a second time and referred to the committee on roads, bridges and ferries.

On motion of Mr Warren, *Resolved*, That his Excellency, the Governor, be requested to furnish this House with all written communications now in his office that has taken place between himself and major general J. P. Boothe, of the fifth division of Alabama militia, or any of the citizens of Dale county, on the subject of Indian depredations, since the called session of June last.

Mr Erwin introduced a bill to regulate the compensation of witnesses in civil cases and for other purposes; which was read and ordered to a second reading on Monday next.

Mr Baker introduced a bill explanatory of the law in relation to the sixteenth sections; which was read and ordered to a second reading on Monday next.

On motion of Mr. Gann, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of abolishing an election precinct at the house of David A. Mills, in Marion county, and establishing one in lieu thereof, at the store of William Armstrong in said county.

On motion of Mr Priest, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at Burress' Bridge or Town Creek, in the county of Lawrence, with leave to report by bill.

Mr Williams of H. introduced a bill to repeal an act exempting certain property from levy or sale by virtue of an execution, so far as regards the county of Henry; which was read and made the order of the day for a second reading on Monday next.

Mr Bates introduced a bill more particularly to define the number of petit jurors to be drawn for the county of Covington, and for other purposes; which was read and ordered to a second reading on Monday next.

Mr Phillips introduced a bill to require the several medical boards of this State, to keep a seal of office; which was read and ordered to a second reading on Monday next.

Mr Williams of T. introduced a bill to exempt from sale by virtue of any execution or other legal process, forty acres of land and one town lot, for the use and benefit of every family in this State, which was read and ordered to a second reading on Monday next.

Mr Erwin introduced a bill to provide for the recovery of the value of slaves in certain cases; which was read the first time and ordered to a second reading on Monday next.

Mr Martin of P. introduced a bill to incorporate the town of Yorkville, in the county of Pickens; which was read and ordered to a second reading on Monday next.

On motion of Mr May, *Resolved*, That a committee of three be appointed by this House to act with such committee as may be appointed on the part of the Senate, to wait upon the Honorable Arthur P. Bagby and inform him that it has been declared by the proper authority, that he has been duly elected Governor of the State of Alabama, and ascertain when it will be his pleasure to take the oaths of office. Whereupon Messrs May, Booker and Baker were appointed said committee.

The House then adjourned until Monday, 10 o'clock.

Monday, November 13th.—Mr McClellan presented the petition of Eliza A. Thompson, praying for relief as therein shewn, which was read and referred to the judiciary committee.

Accounts were presented by Mr McClellan with vouchers and other documents pertaining to the same; which were read and referred to the select committee raised for the purpose of investigating the claims arising out of the late Creek campaign.

Accounts were also presented by Messrs Morris, Clifton and Clough; which were severally read and referred to the select committee raised for the purpose of investigating the claims arising out of the late Creek war.

Mr Brevard presented the report of D. H. Bingham in relation to the practicability of certain improvements therein named, which was read and referred to the committee raised for the purpose of taking into consideration the improvement of the Tombeckee and Alabama rivers. Ordered that one hundred copies be printed for the use of the House.

A message was received from his excellency the Governor, as follows:

Executive Department, November 13, 1837.

To the House of Representatives—Agreeably to the request of the House of Representatives, communicated in their resolution of the 11th inst: I herewith transmit the letter of Gen. J. P. Boothe, dated 16th September, 1837; also a copy of my answer to Gen. Boothe, dated Florence, 3d October, 1837; and also a letter from Capt. A. Warren of Dale county, dated Tuscaloosa, September 24, 1837.

(Signed)

HUGH McVAY.

Ordered that the message and accompanying documents be referred to the select committee, raised for the purpose of investigating the claims arising out of the late Creek war.

Mr Calhoun presented documents in relation to relief, prayed for on behalf of Turner Ivy, deceased; which was read and referred to the judiciary committee.

Mr Andress presented the petition of sundry citizens of Monroe county, praying to be attached to the county of Wilcox; which was read and referred to the committee on county boundaries.

Accounts were presented by messrs. Cane, Perryman, Smith of D. and Payne; which were severally read and referred to the committee on accounts.

Mr Erwin from the judiciary committee, to whom was referred a resolution

instructing them to inquire into the expediency of altering the law in relation to trials before justices of the peace as therein mentioned, reported that it is inexpedient to legislate on the subject; in which they ask the concurrence of the House. On motion of Mr Womack, ordered that said report lie on the table.

Mr Smith of M. from the committee on the State Bank, to which was referred a resolution in relation to the expediency of lessening the number of Directors of the State Bank and its several branches, and of allowing official salary in lieu of any accommodations in Bank, reported that it is inexpedient to legislate thereon, as there is a bill before the House embracing precisely the same subject matter, they therefore ask leave to be discharged from the further consideration of the subject; in which the House concurred.

Mr Smith of M. from the committee to which was referred the resolution of inquiry into the expediency of establishing a branch of the State Bank at Wetumpka, reported that it is inexpedient to legislate thereon; in which report the House concurred.

Mr Porter introduced a bill to enable the Bank of the State of Alabama and its several branches, to raise a specie fund; which was read and ordered to a second reading on to-morrow.

Mr Simmons of P. introduced a bill to remove the seat of justice in the county of Pike and for other purposes; which was read the first time and ordered to a second reading on to-morrow.

Mr Erwin offered the following resolution: *Resolved*, That seven members of the judiciary committee constitute a quorum for the transaction of business, during the present session of the General Assembly; which motion, under the rule lies over one day for the consideration of the House.

Mr Erwin introduced a bill to explain and amend the law in relation to attachments; which was read and ordered to a second reading on to-morrow.

On motion of Mr Gann, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of discontinuing an election precinct at the house of Robert L. Suggs, in the county of Marion, and of establishing one in lieu thereof, at Towns and Moore in said county.

Mr Puckett introduced a bill to incorporate the Oakville Academy in the county of Lawrence; which was read and ordered to a second reading on to-morrow.

Mr McLemore introduced a bill for the relief of Thomas C. Russell, Baxter Taylor and James Taylor; which was read and ordered to a second reading on to-morrow.

Mr Morris introduced a bill to amend the law in relation to grand juries; which was read and ordered to a second reading on to-morrow.

On motion of Mr Carmack, *Resolved*, That the House do now go into committee of the whole, for the purpose of taking into consideration, the message of his Excellency the Governor. The House then resolved itself into a committee of the whole on the message of his Excellency the Governor; Mr Carmack in the Chair—and after some time spent in consideration of the same, Mr Speaker resumed the Chair, and Mr Chairman, from the committee of the whole House, reported sundry resolutions. Mr Erwin moved to amend the fifth resolution, contained in the report, by striking out the words “ways and means,” and to insert in lieu thereof, “the judiciary;” which was carried. The report was then received and concurred in; which is as follows:

Resolved, That so much of the Governor’s message as relates to the Bank of the State of Alabama and its Branches, be referred to the committee on the State Bank.

Resolved, That so much of the Governor’s message as relates to the sale of the five millions

of State Bonds, authorised to be issued and sold at the extra-session of the General Assembly, for the year 1837, be referred to the committee on the State Bank.

Resolved, That so much of the message as relates to the resumption of specie payments by the Banks of the State, be referred to the committee on the State Bank.

Resolved, That so much of the message as relates to any further increase of the banking capital of the State, be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the establishment of a penitentiary in this State, be referred to the judiciary committee.

Resolved, That so much of the message as relates to the modification of the penal code, be referred to the judiciary committee.

Resolved, That so much of the message as relates to the organization of a military corps, to be stationed in the vicinity of the Cherokee Indians, residing in the limits of the State, be referred to the committee on the military.

Resolved, That so much of the message as relates to the University, be referred to the committee on education.

Resolved, That so much as relates to the military law, be referred to the committee on the military.

Resolved. That so much as relates to claims against the State, growing out of the late Creek Indian hostilities, be referred to the committee on Indian affairs.

Resolved, That so much as relates to a State Library, be referred to the judiciary committee.

Mr Hammond introduced a bill to remunerate certain persons therein named, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Carmack introduced a bill to prevent malicious law suits; which was read and ordered to a second reading on to-morrow.

Mr McLemore introduced a bill to incorporate the town of Fredonia, in the county of Chambers; which was read and ordered to a second reading on to-morrow.

On motion of Mr Phillips, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the patrol laws, now in force, as to make the leaders and members of patrol detachments, liable to the fine now prescribed by law, for each and every refusal to perform duty.

Mr Bates introduced a bill to authorise limited co-partnerships; which was read and ordered to a second reading on to-morrow.

Mr Speaker laid before the House the annual report of the President of the branch of the Bank of the State of Alabama, at Huntsville, in relation to the affairs and condition of said bank; which was read and ordered to lie on the table. Ordered, that one thousand copies of the report be printed and condensed in pamphlet form, with the other reports.

Mr Andress introduced a bill for the support of paupers in the county of Monroe; which was read and ordered to a second reading on to-morrow.

The House then proceeded to the consideration of the orders of the day. The engrossed bill to explain an act establishing certain ferries in the county of Washington, passed January 5th, 1832, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill from the Senate to change the time of holding the county court of Montgomery county, was read the second time and ordered to a third reading on to-morrow.

The bill for the relief of the legal representatives of Turner Ivy, was read the second time and referred to the judiciary committee.

The bill for the better regulation of trade in the city of Mobile, was read the second time and referred to the judiciary committee.

The bill to establish a board of commissioners for the improvement of the navigation of Coosa river and for other purposes, was read the second time and referred to the select committee raised on that subject.

The bill to regulate the compensation of witnesses in civil cases and for other purposes, was read the second time and referred to the judiciary committee.

The bill explanatory of the law in relation to the 16th sections, was read the second time and referred to the committee on education.

The bill to require the several medical boards of this State, to keep a seal of office, was read a second time and referred to the judiciary committee.

The bill to exempt from sale by virtue of any execution or other legal process, forty acres of land and one town lot, for the use and benefit of every family in this State, was read the second time and referred to the judiciary committee.

The bill to provide for the recovery of the value of slaves in certain cases, was read the second time and referred to the judiciary committee.

Ordered that messrs. Owen and Cottrell be added to the committee on the State Bank.

On motion of Mr Carmack, *Resolved*, That the committee on privileges and elections, be instructed to inquire into the expediency of passing an act, authorising the commissioners court, of the different counties of this State, to establish and abolish election precincts in their respective counties.

Mr Alston introduced a bill to regulate dower; which was read the first time and ordered to a second reading on to-morrow.

Mr Aldridge introduced joint resolutions, instructing our Senators and requesting our Representatives, to use their exertions in obtaining the quarter section of land to each widow and orphan, whose husbands or fathers were slain in action, or died during service, in the late war between the United States and Great Britain. Mr Phillips moved to lay the resolution on the table, which was lost. Mr Erwin moved to postpone the further consideration of the resolution until to-morrow; which was carried.

On motion of Mr Calhoun, *Resolved*, That the committee on the State Bank, be instructed to inquire into the expediency of so amending the 15th section of an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments of the same, and for other purposes, as to make the interest of the State Bonds payable semi-annually; and also of repealing so much of the 17th section of the same act, as requires one half of the proceeds of said Bonds to be paid into the banks in specie, and that they report by bill or otherwise.

The bill to incorporate the Marengo Blues, was read a first time and ordered to a second reading on to-morrow.

Mr Erwin introduced a bill to amend the charters of and for the government of the Bank of the State and its several branches thereof; which was read. Mr Payne moved to lay the bill on the table and to have one hundred copies of the same printed for the use of the House; which was carried.

A message was received from the Senate by Mr Connor, their secretary—Mr Speaker: The Senate concur in the resolution of the House of Representatives, appointing a committee to wait on the Hon. Arthur P. Bagby, and inform him of his election, and know when it will suit his pleasure to take the oath of office, and have appointed on their part, messrs. Moore, Terry and Burke.

The bill to be entitled an act for the relief Horatio G. Harkin, was read a second time and ordered to a third reading on to-morrow.

The bill to be entitled an act, to explain an act, entitled an act for the relief of Cassander Kelly, approved November 24th, 1836, was read a second time and ordered to a third reading on to-morrow.

The bill to authorise the election of an assessor and tax collector for the county of Lauderdale, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to repeal an act exempting certain property from levy or sale by virtue of an execution so far as regards the county of Henry, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the town of Yorkville in the county of Pickens, was read. Mr Aldridge moved to amend the bill by adding at the end of the 5th section, the following, "*Provided*, that such by-laws shall not be repugnant to the constitution of the United States, nor the State of Alabama;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow. And then the House adjourned until to-morrow at ten o'clock.

Tuesday, November 4th, 1837—A message was received from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed the following bill, an act to amend an act entitled an act to incorporate the town of West Wetumpka, approved January 18th, 1834, in which they ask the concurrence of your honorable body.

The engrossed bill from the Senate to amend an act entitled an act to incorporate the town of West Wetumpka, was then read and ordered to a second reading on to-morrow.

Mr Womack presented the petition of sundry citizens of Butler county, praying the passage of a law authorising the judge of the county court and the commissioners of roads and revenue of Butler county to assess a tax not exceeding four dollars on each hand liable by the present law to work on roads to be applied to the improvement of the roads in said county, instead of being called ten days in each year; which was read, and on motion of Mr Womack, referred to a committee consisting of the delegation from Butler county.

Accounts were presented by Messrs Coman, Clough, Beauchamp, Smith of D. and Burt; which were severally read and referred to the committee raised for the purpose of investigating claims growing out of the late Creek war.

Accounts were presented by Messrs Smith of D. Calhoun and Tarrant; which were severally read and referred to the committee on accounts.

Mr Smith of D. presented the petition of sundry citizens of the county of De Kalb, praying a charter for a turnpike for Daniel Shelton across the *Raccoon* mountain; which was read and referred to the committee on roads, bridges and ferries.

Mr McLemore presented the petition of sundry citizens of Chambers county, praying the establishment of an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Erwin from the judiciary committee to whom was referred a bill to be entitled an act concerning the registration of deeds, reported that it is inexpedient to pass the same; which was concurred in by the House. The same committee to whom was referred a bill in relation to proving accounts by the parties in whose favor they exist, reported that it is inexpedient to pass said bill; in which report the House concurred. The same committee to whom was referred a bill to be entitled an act to authorise Washington Keys, administrator of George Keys, deceased, to remove sundry negroes from this State to the State of Mississippi, reported the same with sundry amendments; in which report the House concurred. The same committee to whom was referred a bill to be entitled an act for the relief of Seaborn B. Gray, administrator of the estate of Cynthia Mangham, deceased, reported the same back to the House without amendment; which was concurred in by the House. Mr Erwin then moved to amend the bill by inserting after the word "*Representatives*" in the second line of the first section, the words "*of the State of Alabama;*" which was carried. The same committee to whom was referred the bill to be entitled an act for the bene-

fit of George W. Fisher, guardian of Lewis Griffith, reported the same with amendments; in which the House concurred.

Mr Alston from the committee on divorce and alimony, to whom was referred the petition of John J. Coleman, praying to be divorced from his wife Emeline R. Coleman, reported a bill to divorce John J. Coleman from his wife Emeline R. Coleman; which was read the first time and ordered to a second reading on to-morrow. The same committee to whom was referred the petition of Campbell McMurtry, praying to be divorced from his wife Nancy McMurtry, reported a bill to divorce Campbell McMurtry from his wife Nancy McMurtry; which was read and ordered to a second reading on to-morrow.

Mr Payne from the committee on propositions and grievances, to whom was referred the petition of William C. Maples and others, asking the manumission of certain slaves therein named, reported that it is inexpedient to legislate upon the subject. Mr Erwin moved that the report be concurred in, which was carried—Yeas 79, nays 7.

The yeas and nays being desired those who voted in the affirmative, were Messrs Speaker Aldridge Alston Andress Baker Beauchamp Bestor Blake Brasher Brevard Burt Calhoun Cane' Clifton Cobb Cochran Coman Cook Cottrell Cross Daniel Davis of B. Davis of M. De Jarnett Erwin Gann Godbold Gordon Greening Hammond Jones of B. Jones of C. King Lee Long Martin May McAlpin McClannahan of M. McClannahan of S. McCord McClellan McLemore Morris Oliver Owen Parker Payne Phillips Porter Priest Primm Puckett Rawls Rogers Ross Scott of J. Scott of M. Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Spencer Stephenson Sullivan Tarrant Taylor Tiffin Warren Weissinger Williams of H. Williams of P. Williams of T. Wilson Wamack and Young.

Those who voted in the negative, are Messrs Booker Boston Carmack Horton Perryman Smith of D. Toulmin and Vining.

The same committee to whom was referred the petition of James C. Malone, administrator of Wyatt Wilkinson, deceased, asked leave to be discharged from the farther consideration thereof, and recommended its reference to the judiciary committee; in which report the House concurred.

Mr McClellan of S. from the committee to whom was referred the petition of the citizens of Columbiana, Shelby county, praying an act of incorporation, reported a bill to incorporate the town of Columbiana, in the county of Shelby; which was read and ordered to a second reading on to-morrow.

Mr Aldridge from the select committee to whom was referred the petition of West Gurley, a citizen of Jefferson county, praying to be attached to the county of Blount, reported a bill to attach West Gurley, a citizen of the county of Blount and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr McClellan introduced a bill to establish the dividing line between the seventieth and seventy-eighth regiments of Alabama militia and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Weissinger introduced a bill for the inspection of cotton in the city of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Payne presented the record and proceedings of the circuit court of Sumter county, containing the decree of said court, divorcing Daniel Noble from his wife Elizabeth Noble; which was read and referred to the committee on divorce and alimony.

Mr Payne introduced a bill to amend an act approved the 30th June, 1837, entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches, and legalizing the suspension of specie payments of the same; which was read and made the order of the day for a second reading on to-morrow.

Mr Aldridge introduced a bill to incorporate the town of Blountsville, in Blount county; which read and ordered to a second reading on to-morrow.

Mr Porter introduced a bill to simplify and reform proceedings at common law; which was read and ordered to a second reading on to-morrow.

On motion of Mr Ashurst, *Resolved*, That a committee be appointed to inquire into the expediency of appointing a commissioner or commissioners to negotiate with the general government for that part of West Florida lying immediately south of this State and west of the Chattahoocha river, with leave to report by bill or otherwise; whereupon Messrs Ashurst, Oliver and De Jarnett were appointed said committee.

On motion of Mr Bestor, 1st. *Resolved*, That the committee on education be instructed to inquire whether the laws of this State give the encouragement to education which is contemplated in the constitution.

2d. *Resolved*, That they further inquire what measure is best calculated to furnish those townships in which the school lands are of little value with the school fund.

3d. *Resolved*, That they inquire into the expediency of framing such laws as are calculated to diffuse the means of instruction throughout the State, and that said committee be instructed to report bill or otherwise.

On motion of Mr Owen, *Resolved*, That the door keeper be authorised to have La Tourette's map of the State of Alabama properly mounted and suspended in the hall of this House.

On motion of Mr Jones of B. *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the constitution of this State as to give to the people of each county the right of electing their own county judges, and report thereon.

On motion of Mr Daniel, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at some convenient house in the neighborhood of Fellowship Meeting house, in the county of Wilcox.

On motion of Mr Williams of T., *Resolved*, That the committee on the State Bank be instructed to request the President of the State Bank and the Presidents of the several Branch Banks of the State of Alabama, to furnish them with a correct statement of the total amount of the liability of all officers and directors of the Bank of the State of Alabama, and its several Branches, including those liabilities incurred and unpaid by persons who at the time of contracting said liabilities were officers or directors of said State Bank or Branch Banks, and report the same to this House.

On motion of Mr Baker, *Resolved*, That the committee on education be instructed to inquire into the expediency of extending the corporate limits of La Grange college to five miles, that when the faculty of said institution shall suspend or expel any student from said institution if they should refuse to leave said corporate limits that they shall be subject to the civil jurisdiction of said county and be subject to such penalties as may be prescribed; with leave to report by bill or otherwise.

Mr Youag introduced a bill to establish a board of commissioners for the improvement of the navigation of the Tallapoosa river; was read and ordered to second reading on to-morrow.

Mr Womack introduced a bill to raise a revenue for the county of Covington and to regulate the compensation allowed to clerks and sheriffs for *ex-officio* services in said county; which was read and ordered to a second reading on to-morrow.

On motion of Mr Womack, *Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing the common law jurisdiction

tion of the county courts of the several counties in this State, and that they report by bill or otherwise.

Mr McLemore introduced a bill to incorporate the Casetah Academy; which was read and ordered to a second reading on to-morrow.

On motion of Mr Long, *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of abolishing the election precincts at Samuel Barrs, and at Drury Spains, in Russell county, and establishing others at William Griggs' store, John Wood's store, Crockettville, William Williams' store, and Jackson's store, near Blackburns mill; with leave to report by bill or otherwise.

Mr Daniel offered the following resolution: *Resolved*, That the committee on the judiciary be instructed so inquire into the expediency of requiring justices of the peace to give bond and security, in the several counties in this State. Mr Hammond moved to lay the resolution on the table, which was lost; the question recurred on the adoption of the resolution, which was carried.

Mr May from the joint committee raised by a resolution of this House, to wait upon the Honorable Arthur P. Bagby, and ascertain when it will be his pleasure to take the oaths of office, reported that they had performed the duty assigned them, and received for answer, that it will be convenient for him to take the oath of office on Tuesday the 21st instant. Ordered, That said report lie on the table.

Mr Sheffield introduced a bill to amend the laws now in force in relation to retailers of spirituous liquors; which was read and ordered to a second reading on to morrow.

On motion of Mr Scott of J., *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of establishing an election precinct at the store-house of Thomas Wilson, in Jackson county; with leave to report by bill or otherwise.

Mr Hammond offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of compelling the different banks in this State, by law, to redeem all their notes under three dollars with specie, in order to furnish suitable change for the community in general. *And be it further Resolved*, That they be further instructed to inquire into the propriety of adopting some other law or laws, inflicting some penalty on all persons who may be guilty of issuing small notes or shin-plasters as they may be called, contrary to the statutes of our State; and report by bill or otherwise. Mr McLemore moved to lay the resolution on the table, which was lost. The question then recurred on the adoption of the resolution, and was carried.

On motion of Mr Simmons of P., *Resolved*, That the committee on privileges and elections be instructed to discontinue an election precinct at the House of James D. Jones in the county of Pike, and to establish one in lieu thereof, at Centreville, in said county.

Mr Perryman introduced a bill to declare Bottle Creek a public highway, for purposes therein named; which was read and made the order of the day for a second reading to morrow.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill to explain an act entitled an act for the relief Casander Kelley, approved November 26, 1836, was read a third time and passed. Ordered, That the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to be entitled an act authorising the election of an assessor and tax collector for the county of Lauderdale, was read the third time. Mr Ashurst moved to amend by way of engrossed rider, to come in as an additional

Section No 3, at the end of the bill which was carried. Mr Carmack moved to amend the same after the words "judge of the county court of said county," where occurs in the first section of the bill, by inserting the following, "in the sum of ten thousand dollars conditioned for the faithful performance of his duty," which was carried; the bill was then passed. Ordered, that the title be amended by adding after the word "Lauderdale" the word "Montgomery;" ordered that the same be sent to the Senate for their concurrence.

Engrossed bill to repeal an act exempting certain property from levy or sale by virtue of an execution so far as regards the county of Henry was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to incorporate the town of Yorkville, in Pickens county was read a third time and passed. Ordered, that the bill be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill for the relief of Horatio G. Harbin, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The bill from the Senate to change the time of holding the county courts in Montgomery county, was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill to enable the Bank of the State of Alabama and its several Branches to raise a specie fund, was read the second time and referred to the committee on the State Bank.

The bill to remove the seat of justice in the county of Pike and for other purposes, was read the second time. Mr Aldridge moved to amend the same by adding at the end of the last section the following words, "not otherwise appropriated;" which was carried. The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

The bill to explain and amend the law in relation to attachments, was read the second time and referred to the judiciary committee.

The bill to incorporate the Oakville Female Academy in the county of Lawrence, was read a second time and referred to a select committee, consisting of the delegation from the county of Lawrence.

The bill to amend the law in relation to grand juries, was read the second time and referred to the judiciary committee.

The bill for the relief of Thomas C. Russell, Baxter Taylor and James Taylor was read the second time. Mr McLemore moved to amend by inserting in the second line of the first section after the word "Representatives" the words "of the State of Alabama;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to remunerate certain persons therein named, and for other purposes was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to prevent malicious law suits was read the second time and referred to the judiciary committee.

The bill to incorporate the town of Fredonia, in the county of Chambers, was read a second time. Mr McLemore moved to amend the bill by inserting in the second line of the first section after the word "Representatives" the following "of the State of Alabama;" which was carried. The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

The bill to authorise limited copartnership, was read the second time, and referred to the judiciary committee.

The bill for the support of paupers in the county of Monroe, was read the second time and ordered to be engrossed and made the order of the day for a third reading on to-morrow.

The bill to regulate dower, was read the second time and referred to the judiciary committee.

The bill to incorporate the Marengo Blues, was read a second time and ordered to be engrossed, and made the order of the day for a third reading on to-morrow.

The joint resolutions, instructing our Senators and requesting our Representatives, to use their exertions to procure a donation of one quarter section of land for each widow and orphan, whose husband or father, was slain in action, or died in service, during the late war between the United States and Great Britain, was taken up and read. Mr Philips moved to amend by adding after the words "Great Britain," the words "and the late Creek and Florida war;" which was carried. The resolutions as amended, was then adopted. Ordered that the Clerk acquaint the Senate therewith, and ask their concurrence.

The House took up for consideration the resolution proposing that seven members of the committee on the judiciary, shall constitute a quorum, for the transaction of the business during the present session of the General Assembly; which was then read and adopted: And then the House adjourned till to-morrow morning 10 o'clock.

Wednesday, November 15, 1837.—A message was received from the Senate, by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed a bill, entitled "an act, establishing certain fines in the county of Washington, passed January 5th, 1832," which originated in the House of Representatives. Ordered that said bill be engrossed. They have passed bills which originated in the Senate of the following titles, to wit: An act to increase the pay of jurors in certain counties therein named, an act for the relief of Nancy Grubbs; an act to authorise Seth Love and William Wellborn, to erect a wharf on the Chattahoochee river, in the town of Irwinton; and an act for the government of turnpike roads; in which they ask the concurrence of the House of Representatives.

The bill from the Senate to increase the pay of jurors in certain counties therein named, was read the first time and made the order of the day for a second reading on to-morrow.

The bill from the Senate for the relief of Nancy Grubbs, was read and made the order of the day for a second reading on to-morrow.

The bill from the Senate to authorise Seth Love and William Wellborn to erect a wharf on the Chattahoochee river, in the town of Irwinton, in Barbour county, was read and made the order of the day for a second reading on to-morrow.

The bill from the Senate for the government of turnpike roads, was read and made the order of the day for a second reading on to-morrow.

Mr Boston presented the petition of Jesse O. Tate, praying the Legislature to legitimate and change the name of certain persons therein named; which was read and on motion of Mr Boston, referred to a select committee, consisting of the delegation from the county of Lauderdale.

Accounts were presented by messrs. Clough and McLemore; which were read and referred to the committee raised to investigate claims growing out of the late Creek war.

Mr Smith of D. presented the petition of sundry citizens of the county of DeKalb, praying a charter for a turnpike road therein named, to be extended to John Brandons; which was read and referred to the committee on roads, bridges and ferries.

Mr Erwin from the judiciary committee, to which was referred a bill to be entitled an act for the relief of the 16th section, of township one, range ten west, in the county of Lauderdale, and for other purposes, reported that in their opinion, it is inexpedient to pass the bill.

Mr Carmack moved to lay the report on the table; which was carried.

Mr Alston from the committee on divorce and alimony, to which was referred the petition of Gincy Tidwell, praying to be divorced from her husband Peter B. Tidwell, reported a bill to be entitled "an act to divorce Gincy Tidwell, from her husband Peter B. Tidwell; which was read and made the order of the day for a second reading on to-morrow."

The same committee to whom was referred the petition of Polley Findley, praying to

be divorced from her husband Joseph Findley, reported a bill to be entitled "an act to divorce Polley Findley from her husband Joseph Findley;" which was read and ordered to a second reading on to-morrow.

The same committee to whom was referred the petition of Sarah Loyd, praying to be divorced from her husband Benjamin E. Loyd, reported a bill to divorce Sarah Loyd from her husband Benjamin E. Loyd; which was read and ordered to a second reading on to-morrow.

Mr Payne from the committee on proposition and grievances, to whom was referred a bill to compensate Dennis Dent and Samuel M. Meek for slaves executed, reported the same without amendment and recommended its passage. The bill was then read a second time and ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred the petition of Thomas Lowry and James H. Pierce, reported that it is inexpedient to grant the prayer of the petitioners. On motion of Mr Vining, ordered, that the report lie on the table.

Mr Skinner from the committee on roads, bridges and ferries, to whom was referred the petition of the citizens of the town of Talledega, praying to be exempt from work on roads beyond the corporate limits of said town, reported a bill to amend an act to incorporate the town of Talladega, approved, January 9th, 1835; which was read and ordered to a second reading on to-morrow.

The same committee to whom was referred the petition of Richard D. Shackelford praying the privilege of erecting a toll bridge across the Suckanatchie river, near the mouth of the Ponko Bio creek, reported a bill to authorise Richard Shackelford to erect a bridge over the Suckanatchie river; which was read and ordered to a second reading on to-morrow.

Mr Perryman from the select committee to whom was referred the petition of Solo Beasley and other citizens of Butler county, reported a bill to alter the boundary line in part between the counties of Butler and Conecuh; which was read and ordered to a second reading on to-morrow.

Mr Skinner presented the account of Samuel Stephens, jailor of Franklin county, which was read and referred to the committee on accounts.

Mr Slaughter introduced a bill to secure the fine for defaulters for working on public roads; which was read and ordered to a second reading on to-morrow.

Mr McLemore introduced a bill to change the time of holding the circuit courts of the eighth judicial circuit of the State of Alabama; which was read and ordered to a second reading on to-morrow.

Mr Brazier introduced a bill to give a stay to executions for twelve months, where gold or silver is demanded; which was read and ordered to a second reading on to-morrow.

Mr Prim introduced a bill to alter and amend the patrol laws now in force in the county of Shelby; which was read and ordered to a second reading on to-morrow.

Mr Phillips introduced a bill for the relief of securities in certain cases; which was read and ordered to a second reading on to-morrow.

Mr Greening introduced a bill to amend the militia laws of this State; which was read and ordered to a second reading on to-morrow.

Mr Speaker laid before the House the report of the Comptroller of public accounts in relation to the Alabama life insurance company. Ordered, that the report lie on the table.

Mr Andress introduced a bill for the better regulating the apportionment of overseers on so much of the federal road as constitutes the boundary line between the counties of Monroe and Conecuh; which was read and ordered to a second reading on to-morrow.

A message was received from his Excellency, the Governor, by Mr Gooch, his private Secretary; which is as follows:

Executive Department, November 15, 1837.

To the House of Representatives—I have the honor to transmit to the House of Representatives, for the information of the two Houses of the General Assembly, sundry letters recently received at this department, relating to the sale of State Stock, to wit: Two letters from Aaron H. Palmer Esq. Director of the American and Foreign Agency office, New York; the one dated September 28, 1837, enclosing a copy of a letter from the messrs Rothschild & Son of London, the other dated 19th of October, 1837, accompanied with

copy of the second and third sections of an act of the Legislature of Illinois, of the 4th of March last, entitled an act supplemental to an act to establish and maintain a general system of internal improvement: Also a letter from George S. Gaines, Esq. President of the branch bank at Mobile, dated 3d of October, 1837, together with a copy of my reply to the same. (Signed) H. McVAY.

On motion of Mr Calhoun, ordered, that the message with the accompanying documents be referred to a select committee: Whereupon messrs. Calhoun, May and Womack were appointed said committee.

Mr Calhoun introduced a bill to attach the county of Bibb to the third judicial circuit; which was read and ordered to a second reading on to-morrow.

Mr Erwin introduced a bill to regulate certain judicial proceedings; which was read and ordered to a second reading on to-morrow.

Mr Alston introduced a bill for the protection of the remains of the dead, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Stephens introduced a bill to compensate the Directors of the Bank of the State of Alabama and its several branches; which was read and ordered to a second reading on to-morrow.

Mr Beauchamp introduced a bill to appoint an additional surveyor in the county of Barbour; which was read and ordered to a second reading on to-morrow.

Mr Speaker laid before the House the communication of his Excellency, the Governor, as follows, viz:

Executive Department, November 15, 1837.

To the General Assembly.—I have to inform the General Assembly that I have received the resignation of the honorable J. V. Perryman, as judge of the county court of Conecuh county. (Signed) H. McVAY.

Mr Porter introduced a bill to incorporate the Tuscaloosa and Tennessee Valley rail road company; which was read and ordered to a second reading on to-morrow.

On motion of Mr Vining, *Resolved*, That the committee on privileges and elections be instructed to discontinue the election precinct heretofore established at the house of Burges McGahey in the county of Madison, and in lieu thereof, establish one at the mill of Robert and Thomas Leonard in said county.

On motion of Mr May, *Resolved*, That a committee of three be appointed on the part of the House, to act with such committee as may be appointed on the part of the Senate, whose duty it shall be to arrange for publication, the various reports which have been made or may be made, during the present session of the General Assembly, by the respective Presidents of the Bank of the State and its branches; and also the reports of the commissioners, appointed by the Governor to examine into the condition of said banks, which are ordered to be printed, and to condense the same if they should deem it expedient.

On motion of Mr Aldridge, *Resolved* That the judiciary committee be instructed to inquire into the expediency of raising the tax on all shows of every denomination, whatever commonly and constantly exhibiting in this State, and on Pedlers licence, with leave to report by bill or otherwise.

On motion of Mr McCane, *Resolved*, That the committee on inland navigation, be instructed to inquire into the expediency of appropriating the sum of thousand dollars, out of the three per cent fund, for the purpose of improving the navigation of the Warrior river, from the falls of Tuscaloosa to the Sipsey fork on said river, with leave to report by bill or otherwise.

On motion of Mr Jones of B. *Resolved*, That the committee on privileges and elections abolish the precinct now established by law at Lee's, in Butler county, and establish one in lieu thereof at Boganville in said county.

Mr Calhoun moved to reconsider the vote taken on referring the message of his Excellency, together with the accompanying documents to a select committee; which was carried. Ordered, that the clerk communicate to the Senate the message of his Excellency, together with the accompanying documents.

The House then proceeded to the orders of the day.

The engrossed bill to incorporate the town of Fredonia in the county of Chambers,

was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to remunerate certain persons therein named, was read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to remove the seat of justice in the county of Pike, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill for the relief of Thomas C. Russell, Baxtor Taylor and James Taylor, was read a third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to incorporate the Marengo Blues, was read a third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill for the support of paupers in the county of Monroe, was read a third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill from the Senate to amend an act entitled an act to incorporate the town of Wetumpka, approved January 18, 1834, was read a second time and ordered to a third reading on to-morrow.

The bill for the relief of Seaborn B. Gray, administrator of the estate of Cynthia Mangham, deceased, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill for the benefit of George W. Fisher, guardian of Lewis Griffith, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to authorise Washington Keys, administration of George Keys, deceased, remove sundry negroes from this State to the State of Mississippi, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to divorce John J. Coleman, from his wife Emiline R. Coleman, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to divorce Campbell McMurtry from his wife, Nancy McMurtry, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the town of Columbiana in the county of Shelby, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to attach West Gurley, a citizen of the county of Jefferson, to the county Blount and for other purposes, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the Argus company of Riflemen, in the county of Lowndes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to establish the dividing line between the 70th and 78th regiments and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to provide for the inspection of cotton in the city of Mobile, was read the second time and referred to the judiciary committee.

The bill to amend an act, approved January 30th, 1837, entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and legalizing the suspension of specie payments of the same and for other purposes, was read the second time and referred to the committee on the State Bank.

The bill to incorporate the town of Blountsville, in Blount county, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to simplify and reform the proceedings at common law, was read the second time and referred to the judiciary committee.

The bill to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes, was read a second time and referred to the select committee raised upon that subject.

The bill to raise a revenue for the county of Covington and to regulate the compensa-

tion of clerks and sheriffs for *ex-officio* services, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the Casetah academy, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to amend the law now in force in relation to retailers of spirituous liquors, was read the second time and referred to the judiciary committee.

The bill to declare Bottle creek a public highway for the purposes therein named, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Williams of T. offered the following motion, viz: to amend the 30th rule of the House, after the word "deliberately," in the 5th line, insert the following: "Unless otherwise ordered by the House;" which under the rule lies over one day for the consideration of the House.

Mr Owen introduced a bill to repeal in part the several acts and amendments, establishing and incorporating the towns of St. Stephens and Rodney in Washington county; which was read and ordered to a second reading on to-morrow.

On motion of Mr Williams of H. *Resolved*, That the committee on privileges and elections be instructed to abolish the following precincts: one at the House of Abner Chester, and one at the store-house of Blackshine Hudson, and to establish one election precinct at the house of Robert T. Savage, known as Betsy Blacks' old place; all in the county of Henry.

Ordered that Mr Andress be added to the committee on privileges and elections. And then the House adjourned till to-morrow morning, 10 o'clock.

Thursday, November 17.—A message was received from the Senate, by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed a bill which originated in the House of Representatives, of the following title, to wit: An act to incorporate the town of Gerard. They have also passed the following bills, which originated in the Senate, to wit: "An act to incorporate the town of Blountsville in Blount county; an act to requiring the Cashier of the State Bank to pay certain claims in specie;" in which they ask the concurrence of your honorable body.

The bill from the Senate to incorporate the town of Blountsville in Blount county, was read and ordered to a second reading on to-morrow.

The bill from the Senate requiring the Cashier of the State Bank, to pay certain claims in specie, was read and made the order of the day for a second reading on to-morrow.

Mr Speaker laid before the House the report of James C. Lyon, one of the commissioners for examining and reporting upon the condition of the branch of the bank of the State of Alabama at Mobile. Ordered that 1000 copies of the report be printed in pamphlet form, in connection with the other reports heretofore ordered to be printed.

Mr Speaker also laid before the House the corrected report of the branch of the bank of the State of Alabama at Huntsville, in relation to the condition of said bank; which was read and referred to the select joint committee on the subject of arranging and printing the various reports of that character.

Mr Payne presented the petition of sundry citizens of Sumter county, praying the passage of an act allowing *per diem* pay to the commissioners of roads and revenue of said county; which was read and on motion of Mr Payne, ordered to lie on the table.

Mr Warren presented the petition of sundry citizens of Dale county, praying that a company of troops may be raised and stationed in the vicinity of Daletown, for the purpose of affording protection to the citizens from Indian depredations; which was read and referred to a select committee, consisting of messrs. Warren, Clough and McLemore..

Mr Philips presented the record of the circuit court of Dallas county, containing a decree of said court, divorcing Rebecca Beaty from her husband Ezekiel A. Beaty; which was read and referred to the committee on divorce and alimony.

Mr Andress presented the petition of sundry citizens of Monroe county, praying the removal of an election precinct; which was read and referred to the committee on privileges and elections.

Mr McClanahan of S. presented the petition of Isacc W. Thomas, praying the privilege of peddling in the county of Shelby without licence; which was read and referred to the committee on proposition and grievances.

Mr Porter from the committee on privileges and elections, to which was referred a resolution of inquiry into the expediency of authorising the judge of the county court and commissioners of roads and revenue, to establish and discontinue election precincts, reported a bill the better to regulate the establishment and discontinuance of election precincts in the several counties in this State; which was read and ordered to a second reading on to-morrow.

Mr Bates from the committee on military affairs, to whom was referred the bill allowing the first battalion of the 4th regiment of Alabama militia an additional company, reported the same back to the House without amendment. The bill was then read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Calhoun from the judiciary committee, to whom was referred the bill for the relief of the legal representatives of Turney Ivy, deceased, reported the same to the House with sundry amendments, in which report the House concurred. The bill was then read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Erwin from the judiciary committee to whom was referred the bill to provide for the recovery of the value of slaves in certain cases, reported the same back to the House without amendment. Mr Erwin then moved to amend the bill by inserting the words "to some," before the word "justice," where it occurs in said bill; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Greening from the committee on accounts, to whom was referred the account of Thomas Price, late Sheriff of Morgan county, reported the same back to the House as being improperly authenticated, and asked to be discharged from the further consideration of the same. On motion of Mr Davis of M. ordered, that the report lie on the table.

The same committee to whom was referred the petition of John Cowly, jailor of Morgan county, reported the same as being improperly authenticated, and asked to be discharged from the further consideration of the subject. Ordered, that the report lie on the table.

The same committee to whom was referred the petition of Ezekiel Walford, late tax collector of the county of Henry, reported the same as having been improperly referred, and recommended its reference to the committee on propositions and grievances; in which report the House concurred; and the reference was made accordingly.

The same committee to whom was referred the accounts of A. A. Pitman and Richard J. Hammond, reported them back to the House, as improper charges against the State, and asked to be discharged from the further consideration thereof. On motion of Mr Williams of H. ordered that the report lie on the table.

Mr Williams of T. from the judiciary committee, to whom was referred the bill to exempt sale by virtue of any execution, forty acres of land and one town lot, reported the same with sundry amendments thereto. The question was then taken on the first amendment proposed by the committee and carried. Mr Erwin moved to lay the bill and amendment on the table; which was carried.

Mr Puckett from the select committee, to whom was referred the bill to incorporate the Oakville Female Academy; reported the same without amendment. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr DeJarnett from the select committee to whom was referred the petition of Matthew Gant and others, reported that it is inexpedient to legislate thereon, and asked to be discharged from the further consideration of the same; in which the House concurred.

The same committee to which was referred the accounts of George W. Thompson, Thomas Cargill, Joel Winstill, E. B. Gage and William Cooper, reported that the same should not be allowed, and asked to be discharged from the further consideration of the same. Ordered, that said report lie on the table.

Mr Boston from the select committee to whom was referred the petition of Jesse O. Tate, reported a bill to legitimate and change the name of certain persons therein named, and for other purposes. On motion of Mr Carmack, ordered, that the bill lie on the table.

Mr McClannahan of M. presented the account of Allen Gentry; which was read and referred to the committee on Indian expenditures.

Mr Payne introduced a bill to authorise compensation to the commissioners of roads and revenue in Sumter county; which was read and ordered to a second reading on to-morrow.

Mr Long introduced a bill to locate the seat of justice in Russell county; which was read and ordered to a second reading on to-morrow.

Mr Young introduced a bill to permanently establish the seat of justice in Tallapoosa county; which was read and ordered to a second reading on to-morrow.

Mr Brashier introduced a bill to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Williams of T. called for the proposed amendment to the 30th rule. Mr Erwin moved to refer the proposition to the select committee raised upon that subject; which was carried.

Mr Payne introduced a bill to change the time of convening the Genraal Assembly; which was read and ordered to a second reading on to-morrow.

Mr Jones of B. introduced a bill authorising the judge and commissioners of roads and revenue of Butler county, to levy a county tax; which was read and ordered to a second reading on to-morrow.

Mr Brevard introduced a bill to increase the capitol stock of the Bank of the State of Alabama, and to authorise said Bank to loan the sum of two hundred and fifty thousand dollars to the several rail road companies therein named; which was read and ordered to a second reading on to-morrow.

On motion of Mr Womack, *Resolved*, That whereas it is highly important to the proper and correct administration of justice in the several counties in this State, that all laws and enactments passed by the General Assembly of this State, should be published and made known to the citizens thereof at the earliest practicable period. Be it thereof resolved, that a special committee on public printing be appointed, whose duty it shall be to take into consideration this important branch of the public service, and inquire into the causes which have heretofore produced delay in the printing and distribution of the laws and journals of the General Assembly, and that they suggest such alterations for the remedy of this evil as may seem fit and expedient: Whereupon Messrs. Womack, Porter and May were appointed said committee.

Ordered, that Messrs. Oliver and Shields be added to the committee on rail roads.

Ordered, that Mr Porter be added to the judiciary committee.

Ordered, that Mr Cook be added to the committee on military affairs.

Ordered, that Mr Clough be added to the committee on accounts.

Ordered, that Mr Perryman be added to the committee on divorce and alimony.

Ordered, that leave of absence be granted to Mr McCord for an indefinite period.

On motion of Mr Toulmin, *Resolved*, That with the concurrence of the Senate, the two Houses will elect on to-morrow, at twelve o'clock, noon, a Solicitor

for the first judicial circuit. Ordered, that the clerk acquaint the Senate there with.

Mr Erwin from the judiciary committee, to whom was referred a bill to be entitled an act to require the several medical boards of this State to keep a seal of office, reported the same without amendment. Mr Erwin then moved to amend the bill by an additional section 3; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Prim introduced a bill to regulate in part the payment of tax in the county of Shelby; which was ordered to a second reading on to-morrow.

Mr Toulmin introduced a bill declaratory of the true intent and meaning of the law of this State, regulating elections; which was read and ordered to a second reading on to-morrow.

Mr Erwin introduced a bill to regulate and define the fees of the clerks of the circuit and county courts; which was read and ordered to a second reading on to-morrow.

On motion of Mr Priest, *Resolved*, That the committee on the judiciary, be instructed to inquire into the propriety of so modifying the petition and summons law, as to prevent judgments being obtained the first term of the court with leave to report by bill or otherwise.

Mr Alston introduced a bill to regulate water carriage and for other purposes which was read and ordered to a second reading on to-morrow.

Mr Boston introduced a bill to amend the laws in relation to the collection of taxes on real estate; which was read and ordered to a second reading on to-morrow.

Mr Long introduced a bill to attach Barney Ivy, a citizen of Macon county, to the county of Russell, which was read and ordered to a second reading on to-morrow.

Mr Womack introduced a bill to alter and amend judicial proceedings in certain cases therein mentioned; which was read and ordered to a second reading on to-morrow.

The House then proceeded to the consideration of the orders of the day.

The engrossed bill to attach West Gurley, a citizen of the county of Jefferson, to the county of Blount and for other purposes, was read a third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to divorce John J. Coleman from his wife Emiline R. Coleman, was read a third time and passed by a constitutional majority of the House. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill for the relief of George W. Fisher, guardian of Lewis Griffith, was read a third time and passed. Ordered that the bill be as aforesaid and that it be sent to the Senate for their concurrence.

The Engrossed bill to divorce Campbell McMurtry from his wife Nancy McMurtry, was read the third time and passed by a constitutional majority. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

Engrossed bill to establish the dividing line between the seventieth and seventy-eighth regiments of Alabama militia and for other purposes, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

Engrossed bill to incorporate the Casetah Academy, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill for the relief of Seaborn B. Gray, administrator of Cynthia angham, deceased, late of Chambers county, was read a third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to compensate Dennis Dent and Samuel M. Meek for slaves recuted according to law, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to compensate the Argus company of volunteer riflemen in the county of Lowndes, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to authorise Washington Keys, administrator of George Keys, deceased, to remove sundry negroes from this State to the State of Mississippi, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill from the Senate to amend an act entitled an act to incorporate the town of West Wetumpka, approved January 18th, 1834, was read the third time. Mr Burt moved to lay the bill on the table which was carried.

The bill from the Senate to increase the pay of jurors in certain counties therein named, was read the second time. Mr Morris moved to amend the same by adding after the word "Pickens" where it occurs in the bill the words "Butler, Cuthauga, Montgomery, Coosa, Lowndes, Marion, Walker, Talladega, Fayette, Tallapoosa, Russell, Monroe and Sumter." Mr Erwin moved to lay the bill on the table together with the amendment offered, which was carried.

The bill from the Senate for the relief of Nancy Grubb, was read the second time and ordered to a third reading.

The bill from the Senate, to authorize Seth Love and William Wellborn to erect a wharf on the Chattahooche river, in the town of Irwinton, Barbour county, was read the second time and ordered to a third reading on to-morrow.

The bill from the Senate for the government of turnpike roads was read the second time and referred to the committee on roads, bridges and ferries.

The bill to divorce Gincy Tidwell from her husband Peter B. Tidwell, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to divorce Polly Findley from her husband Joseph Findley, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to divorce Sarah Loyd from her husband Benjamin E. Loyd was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to amend an act to incorporate the town of Talladega, approved January 9th, 1835, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to authorise Richard Shackelford to erect a toll bridge across the Suckanachie river was read the second time. Mr Payne moved to amend by inserting the capital letter "D," before the word "Shackelford," wherever it occurs in the bill; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr McClellan moved to reconsider the vote taken on ordering to be engrossed the bill to amend an act to incorporate the town of Talladega, approved January 9th, 1835; which was carried. Mr McClellan then moved to strike out the words "so much of" where they occur in the third line of the first section of the bill; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to alter in part the boundary line between the counties of Conecuh

and Butler, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to secure the fine for defaulters for working on public roads, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill for better regulating the apportionment of overseers on so much the federal road as constitutes the boundary line between the counties of Monroe and Conecuh, was read the second time and ordered to be engrossed and made the order of the day for a third reading on to-morrow.

The bill to attach the county of Bibb to the third judicial circuit was read the second time and referred to a select committee, consisting of Messrs Calhoun Davis of B. McClannahan of S. Burt, Lee and Porter.

The bill to regulate certain judicial proceedings, was read the second time and referred to the judiciary committee.

The bill for the relief of securities in certain cases was read the second time and referred to the judiciary committee.

The bill to alter and amend the patrol laws now in force in the county of Shelby, was read the second time. Mr Baker moved to amend the bill by inserting between the word "of" and the word "Shelby" the word "Franklin;" which was carried. Mr Warren moved to insert after the word "Franklin" the word "Dale;" which was carried. The bill as amended was then ordered to be engrossed and made the order of the day for a third reading on to-morrow.

The bill to amend the militia laws of this State was read the second time and referred to the committee on military affairs.

The bill for the protection of the remains of the dead and for other purposes was read the second time and referred to the judiciary committee.

The bill to appoint an additional surveyor in the county of Barbour, was read the second time. Mr Warren moved to insert "Dale," after the word "Barbour," where it occurs in the bill; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the Tuscaloosa and Tennessee Valley rail road company, was read a second time and referred to the committee on rail roads.

The bill to give a stay on executions for twelve months when gold or silver may be demanded, was read a second time. Mr Porter moved to refer the bill to a select committee. And then the House adjourned until to-morrow morning at 10 o'clock.

Friday, November 17th.—A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed a bill which originated in the House of Representatives of the following title, viz "An act to incorporate the town of Yorkville, in Pickens." The Senate concurred in the resolution from the House of Representatives proposing to elect to-day, Friday, 17th instant, a solicitor of the first judicial circuit; they also concurred in the resolution from the House of Representatives appointing a committee of three from each branch of the legislature whose duty it shall be to arrange for publication the various reports which have been made during the present session of the General Assembly by the respective presidents of the Bank of the State at its several branches, and also the reports of the commissioners appointed by the Governor to examine the same, they have appointed on their part Messrs Burdette Riddle and Watrous, said committee.

A message was received from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That a committee be raised on the part of the Senate to act with such committee as may be raised on the part of the House of Representatives to examine

the Comptroller and Treasurer's office, and have appointed on their part, Messrs Hudson, Crabb and Wellborn, in which they ask the concurrence of Representatives. Ordered that the House concur therein. Messrs Porter, May and Brevard, were appointed said committee.

Mr McClellan presented the report of the Quarter-Master General for the year 1837; which was read and referred to the military committee.

Mr Speaker laid before the House the record of the circuit court of Lowndes county, containing the decree of said court divorcing Dory Ann Hall from her husband Henry M. Hall; which was read and referred to the committee on divorce and alimony.

Mr Womack presented the petition of John Coleman praying relief as therein shown; which was read and referred to the committee on propositions and grievances.

Mr Rogers presented the account of William McNamee; which was referred to the committee on accounts.

Mr Coman from the committee on rail roads, to whom was referred a bill to aid the Selma and Tennessee rail road company, reported the same with sundry amendments, in which the House concurred. Ordered that the same be made the special order of the day for Thursday next, and that one hundred copies thereof in the mean time be printed for the use of the House.

Mr McClellan from the committee on enrolled bills, reported that they had examined and find correctly enrolled a bill of the following title, "An act to explain the act establishing certain ferries in the county of Washington," passed January 5th, 1832.

Mr Alston from the committee on divorce and alimony, to whom was referred the petition of Daniel M. Noble, praying to be divorced from his wife Elizabeth Noble, reported a bill to divorce Daniel M. Noble from his wife Elizabeth Noble; which was read and ordered to a second reading on to-morrow.

A message was received from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have adopted the following resolution, *Resolved*, That with the concurrence of the House of Representatives the two Houses will assemble in the Representative Hall this day at 12 o'clock, noon, for the purpose of electing a solicitor for the first judicial circuit, November 17th. Mr Horton moved to strike out the words "this day at 12" and insert in lieu thereof "Monday next at 12 o'clock." Mr Payne moved to lay the resolution on the table; which was carried.

Mr Smith of M. from the committee on the State Bank, to whom was referred a letter from the commissioners appointed by the Governor to examine the Branch of the Bank of the State of Alabama at Mobile, reported thereon, and asked to be discharged from the further consideration thereof; in which the House concurred. The same committee to whom was referred the resolution in relation to the issuance of small notes, or shin plasters properly so called, reported that it was inexpedient to legislate thereon. Mr Hammond moved to lay the report on the table which was carried. The same committee to whom was referred an act to enable the Bank of the State of Alabama and its several Branches to raise a specie fund, reported the same without amendment, and recommended that it do not pass; in which the House concurred.

Mr Skinner from the committee on roads, bridges and ferries, to whom was referred the bill compelling students to work on roads in this State, reported the same with an amendment thereto; in which the House concurred. The bill was then ordered to be engrossed for a third reading on to-morrow. The same committee to whom was referred the bill to regulate the width of lanes on pub-

lic roads in the county of Lawrence, reported the same without amendment. Booker moved to amend by adding after the word "Lawrence," where it occurs in the bill the words "Madison, Jackson, Franklin, Bibb, Pickens, St. Clair and Autauga," and also to strike out "county" where it occurs in the bill and insert "counties;" which was carried. The bill was then ordered to be engrossed and made the order of the day for a third reading on to-morrow.

Mr Erwin from the judiciary committee, to whom was referred a bill for relief of Henry A. Ward, reported the same without amendment and recommended its passage. Mr Erwin then moved to amend the bill by inserting at the end of the second line of section one the words "of the State of Alabama" which was carried. Mr Erwin then moved to strike out all after the enacting clause and to insert in lieu thereof the following, "That hereafter it shall be necessary for attorneys and counsellors at law, to take any oath against duelling before being permitted to practice, and that so much of the act entitled an act to alter and amend the several laws now in force in this state to suppress the practice of duelling, approved January 7th, 1826, and to be found in Aikens' Digest, page 136, Sec. 16, as requires counsellors and attorneys at law to take the oath against duelling, be and the same is hereby repealed. Mr Booker moved to lay the amendment on the table; which was carried. Yeas 59, nays

The yeas and nays being desired those who voted in the affirmative, were Messrs Aldridge A. Andress Ashurt Baker Beauchamp Bestor Blake Boston Brasher Burt Calhoun Cane Clifton Cobb Coman Cross Daniel Davis of B. Davis of M. De Jarnett Gann Godbold Greening Ham Jones of B. Jones of C. King Long Martin McAlpin McClannahan of M. McClellan Owen Perryman Priest Primm Rogers Scott of J. Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Spencer Stephenson Tarrant Taylor Tiffin Vining Warren Williams of P. Williams of T. and Wilson.

Those who voted in the negative, are Messrs Speaker Botes Booker Bates Brevard Carmack Cottrell Erwin Horton Lee May McClannahan of S. McLemore Morris Oliver Payne Porter Ross Scott of M. Simonton Smith of M. Sullivan Toulmin Weissinger Williams of H. and Womack.

Mr Erwin then moved to postpone the further consideration of the same till the first Monday in August next. The subject was then postponed for the present.

On motion of Mr Cottrell, *Resolved*, That the Senate be now invited into the Hall of the House of Representatives, for the purpose of going into the election of a Solicitor for the first judicial circuit.

The Senate then repaired to the Hall of the House, and took their seats; the two Houses proceeded to the election of a solicitor for the first judicial circuit of this State—Messrs B. B. Breeden and F. S. Blount being in nomination. For Mr Blount 48, for Mr Breeden 69.

Those who voted for Mr Blount, are: messrs Burke Devereaux Elmore Henderson Hudson Lea McRiddle Simmons Smith Wallace and Watrous of the Senate. Messrs Speaker Alston Ashurst Bates Bestor Brevard Burk Calhoun Clough Cook Cottrell Daniel Davis of M. Erwin Godbold Greening Long Martin McClellan McLemore Oliver Perryman Phillips Priest Puckett Ross Scott of M. Simonton Stephenson Sullivan Tarrant Weissinger Williams of H. and Womack of the House of Representatives.

Those who voted for Mr Breeden, are: messrs President Arnold Crabb Farrar Fleming Frazier Goff Hill Moore Musgrove Posey Rather Spann Terry Wellborn and Wilson of the Senate. Messrs Aldridge Andress Beauchamp Blake Booker Boston Brasher Cane Carmack Clifton Cobb Cochran Coman Cross Davis of B. De Jarnett Gann Gordon Hammond Horton Jones of C. King May McAlpin McClannahan of M. McClannahan of S. Morris Owen Parker Payne Porter Primm Rawls Rogers Scott of J. Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of M. Spencer Taylor Tiffin Toulmin Vining Warren Williams of P. Williams of T. Wilson and Young of the House of Representatives.

Mr Breeden having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected solicitor of the first judicial circuit for the ensuing term of four years. The Senate then withdrew.

Mr Womack from the select committee to whom was referred the petition of sundry citizens of Lauderdale county, praying an alteration in the existing road

laws so far as relates to said county, reported that it was inexpedient to legislate on the subject; in which report the House concurred.

The House then resumed the consideration of the bill to give a stay on executions for twelve months where gold or silver may be demanded. The question was then taken on Mr Porter's motion to refer the same to a select committee; and was carried. Whereupon Messrs Porter, Brasher and May were appointed said committee.

The engrossed bill to declare Bottle creek a public highway, was read a third time and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to raise a revenue for the county of Covington, and to regulate the compensation allowed to clerks and sheriffs for ex-officio services in said county, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to incorporate the town of Blountsville, in Blount county, was read. On motion of Mr Aldridge, ordered that the same lie on the table.

The bill from the Senate for the relief of Nancy Grubb, was read the third time and passed. Ordered that the title be as aforesaid and that the clerk acquaint the Senate therewith.

The bill from the Senate to authorize Seth Love and William Wellborn to erect a wharf on the Chattahoochee river, in the town of Irwinton, Barbour county, was read the third time and passed. Ordered that the title be as aforesaid and that the clerk acquaint the Senate therewith.

The bill from the Senate requiring the cashier of the State Bank to pay certain claims in specie, was read the second time and ordered to a third reading on to-morrow.

The engrossed bill to divorce Sarah Loyd from her husband Benjamin E. Loyd, was read the third time and passed by a constitutional majority. Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to provide for the recovery of the value of slaves in certain cases, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill allowing the first battalion of the fourteenth regiment of the Alabama militia, an additional company, was read a third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to incorporate the Oakville Female Academy in the county of Lawrence, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to divorce Polly Findley from her husband Joseph Findley, was read a third time and passed by a constitutional majority. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to authorize Richard D. Shackelford to erect a toll bridge across the Suckanatchee river, was read a third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to divorce Gincy Tidwell from her husband Peter B. Tidwell, was read a third time and ordered to lie on the table.

The engrossed bill for the relief of the legal representatives of Turner Ivy, was read a third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for concurrence.

The engrossed bill for better regulating the apportionment of overseers on so

much of the Federal road as constitutes the county line between the counties of Conecuh and Monroe, was read a third time and passed. Ordered that the title be aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to secure the fine for defaulters for working on public roads, was read a third time and passed. Ordered that the title be aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to alter the boundary line in part between the counties of Conecuh and Butler, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to amend an act to incorporate the town of Talladega, approved January 9th, 1835, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to require the several medical boards of this State to keep a seal of office, was read the third time and passed. Ordered that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to amend the patrol laws now in force in the counties of Franklin, Dale and Shelby, was read the third time and passed. Ordered that the title be aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to appoint an additional surveyor in the county of Barbour, was read the third time. Mr Warren moved to reconsider the vote on ordering the same to be engrossed; which was carried. The bill was then referred to a select committee, consisting of Messrs Warren, Calhoun and Beauchamp.

The bill to compensate the Directors of the Bank of the State of Alabama and its several Banches, was read a second time and referred to the committee on the State Bank.

The bill to repeal in part the several acts and amendments establishing and incorporating the towns of St. Stephens and Rodney in Washington county, was read the second time. Mr Booker moved to amend by inserting the words "of the State of Alabama" after the word "Representatives," in the first section; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Womack called up the bill to increase the pay of jurors in certain counties therein named. Mr Erwin then moved to amend by an additional section, numbered two. Mr Burt moved to refer the bill to a select committee; which was carried. Whereupon Messrs Burt, Alston and Shields were appointed said committee.

The bill better to regulate the establishment and discontinuance of election precincts in the several counties of this State, was read the second time and referred to the judiciary committee.

The bill to authorize the compensation of the commissioners of revenue and roads in Limestone county, was read the second time. Mr Shields moved to strike out "county" wherever it occurs in the bill to insert in lieu thereof "counties;" which was carried. Mr Shields moved further to amend by adding after the word "Sumter" where it occurs in the first section of the bill the words "Marengo, Walker, Coosa, Jefferson, Butler and Tuscaloosa;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr McClellan from the committee on enrolled bills reported that they had examined and find correctly enrolled "an act to change the time of holding the county court of Montgomery county.

On motion of Mr Morris, *Resolved*, That with the concurrence of the Senate the two Houses will go into the election of a judge of the county court for the

county of Coosa, on to-morrow at 12 o'clock Ordered that the clerk acquaint the Senate therewith.

Mr Erwin called up from the table the bill to amend the charters and for the better government of the Bank of the State of Alabama and the several Branches thereof, which was then ordered to a second reading on to-morrow.

Mr Warren from the select committee to whom was referred the petition of sundry citizens of Dale county, praying the interposition of the Legislature to afford them protection against Indian depredations, reported a bill to organize a company of rangers for the protection of the frontier settlements of Alabama bordering on West Florida against Indian depredations; which was read the first time and made the special order of the day for to-morrow.

The bill to locate the seat of justice in Russell county, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill permanently to establish the seat of justice in Tallapoosa county, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to change the time of convening the General Assembly was read the second time. Mr May moved to refer the same to the committee on privileges and elections; which was lost. Mr Burt moved to lay the bill on the table; which was lost. Mr Priest moved to strike out "second Monday in January" where it occurs in the bill; which was carried. Mr Erwin then moved to insert the first Monday in December; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill authorizing the judge and commissioners of roads and revenue of Butler county to lay a county tax, was read the second time and ordered to be engrossed for a third reading on to-morrow; and then the House adjourned until to-morrow morning at 10 o'clock.

Saturday, November 18th, 1837.—A message was received from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill which originated in the House of Representatives, of the following title, viz: "An act to divorce John J. Coleman from his wife Emeline R. Coleman."

Mr Erwin presented the petition of sundry citizens of Greene county, praying the passage of an act authorizing the several banks of this State to issue notes of a less denomination than one dollar; which was read. On motion of Mr Erwin ordered that the petition lie on the table.

Mr Scott of J. presented the petition of sundry citizens of Jackson county, praying the passage of an act requiring the several State banks to resume specie payments which was read and referred to the committee on the State bank.

Mr Warren presented the claim of Masten E. Berry against the State; which was read and referred to the select committee on Indian expenditures.

Accounts were presented by Messrs Warren and Porter; which were read and referred to the committee on accounts.

Mr Erwin from the judiciary committee, to whom was referred the bill to amend the law in relation to grand juries, reported the same with sundry amendments; in which the House concurred. The bill was then ordered to be engrossed for a third reading on Monday next.

Mr Erwin from the judiciary committee, to whom was referred a resolution instructing them to inquire into the propriety and expediency of passing a law in relation to commission merchants, reported the same back to the House and asked to be discharged from the further consideration of the subject. The committee were induced to adopt this course in relation to the resolution for the reason that a bill embracing the object of the resolution, had been introduced into

the House and referred to the committee, and it was believed to be most advisable that the final action of the House should be had on the bill, which had been framed with some degree of care and skill, rather than upon another bill drawn under the resolution; in which report the House concurred. The same committee to whom was referred the bill to regulate the compensation of witnesses in civil causes and for other purposes, reported the same with amendments; which were concurred in. Mr Erwin moved to amend the same by adding an additional section thereto, numbered "seven;" which was carried. Mr McClellan moved to amend by inserting after the word "ferriages" where it occurs in the second section of the bill the following, viz: "And all necessary expenses paid at toll bridges and turnpike gates;" which was carried. Mr Horton moved to strike out "and fifty cents," where it occurs in that part of the bill which relates to the amount of compensation to be allowed to witnesses; which was lost. Mr Jones of B. moved to recommit the bill to the judiciary committee; which was lost. Mr Alston moved to postpone the further consideration of the bill until Monday next, and that it be made the special order of the day for that day; which was carried.

A message was received from his excellency the Governor, by Mr Gooch his private secretary—Mr Speaker: His excellency the Governor did on this day approve and sign the following acts, viz: "An act to explain the act establishing certain ferries in the county of Washington;" and "an act to incorporate the town of Gerard in Russell county," both of which originated in the House of Representatives.

Mr Shields from the committee on education to whom was referred the bill explanatory of the law in relation to the sixteenth sections, reported that the law as it now stands clearly embraces the provisions of said bill and cannot be regarded as susceptible of a construction varying in the slightest degree from the same. The provisions of the law applicable to the subject are to be found in Aikin's Digest, page 383, and in the acts of the last regular session of the Legislature page 22-3. The committee are therefore of opinion that the passage of the bill would be but a re-enactment of what is now clearly the law upon the subject; they therefore ask to be discharged from the further consideration of the subject; in which the House concurred. Ordered that the bill lie on the table.

The same committee to whom was referred the bill authorizing the Mobile Institute to confer literary degrees, and for other purposes; reported that it is inexpedient to pass the same, in which the House concurred. Ordered, That the bill lie on the table.

The same committee to whom was referred the bill to amend an act entitled an act for the establishment of schools in the county of Mobile, and to provide maintenance for the same, passed December 19, 1836; report the same and recommend its passage. The bill was then ordered to be engrossed and made the order of the day for a third reading on Monday next.

The House then proceeded to the consideration of the orders of the day, and resumed the subject of the bill "for the relief of Henry S. Ward." Mr Erwin's motion to postpone the further consideration of the bill until the first Monday in August next, being under consideration, was carried. Yeas 56 Nays 39.

The yeas and nays being desired those who voted in the affirmative, are Messrs Aldridge Alston Aldress Beauchamp Bestor Blake Boston Brashier Calhoun Cane Carmack Clifton Coman Cross Davis B. Davis of M. DeJarnett Erwin Gann Greening Hammond Jones of B. Jones of C. King Long McAlpin McClannahan of M. McClellan Parker Perryman Priest Prim Puckett Rogers Sheffield Scott of Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Spencer Stephenson Tarrant Taylor Tiffin Warren Williams of P. Wilson and Young.

Those who voted in the negative, are Messrs Speaker Ashurst Baker Bates Booker Brevard Bur Clough Cobb Cochran Cook Cottrell Daniel Godbold Gordon Horton Lee Martin May McClannahan of S Morris Oliver Owen Payne Phillips Porter Rawls Ross Scott of M. Shields Simonton Smith of D. Sullivan Toulmin, Vining Weissinger Williams of H. Williams of S. and Womack.

On motion of Mr May, *Resolved*, That the committee on Indian expenditures be instructed to inquire, what amount of money has been paid by virtue of sundry acts of the General Assembly, passed at the annual session in 1836, and the extra session for 1837, to the officers and soldiers, citizens of this State, who was engaged in the military service of the United States, in the late campaign against the Seminole and Creek Indians; as also, for the expenditures incurred in consequence thereof. That said committee be also instructed to prepare and report a memorial to the Congress of the United States, praying that the amount thus advanced, for and on account of the United States may be refunded, and that said committee further inquire into the expediency of despatching an agent to the city of Washington, with all the vouchers necessary to substantiate said claim, for the purpose of laying the same before Congress or the War Department as may be required.

On motion of Mr May, *Resolved*, The Senate concurring, that a committee of three be appointed on the part of the House to act with such committee as may be appointed on the part of the Senate, whose duty it shall be to designate the order of ceremony to be observed on occasion of the installation of the Governor elect, that they make all necessary and suitable arrangements for the purpose, and that they report the same for the information and approval of their respective Houses, prior to the 21st instant: whereupon, Messrs May, Shields and Davis of M., were appointed said committee.

Mr Carmack introduced a bill for suppression of vice and immorality; which was read and ordered to a second reading on Monday next.

Mr Young introduced a bill to raise a revenue for the county of Tallapoosa, and for other purposes; which was read and ordered to a second reading on Monday next.

Mr Speaker laid before the House the report of the Commissioners appointed by His Excellency the Governor, to examine the affairs and condition of the branch of the Bank of the State of Alabama at Decatur; which was read and referred to the select committee raised for the purpose of arranging and having printed, one thousand copies of the several reports made from the Bank of the State of Alabama and its several branches.

Mr Williams of Henry, introduced a bill to authorise the judge of the county court and commissioners of roads and revenue of the county of Henry, to lay off and divide said county into several districts and for other purposes; which was read the first time and made the order of the day for a second reading on Monday next.

Mr Cottrell presented the petition of sundry citizens of Lowndes county, praying to have established by law, a certain election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Cottrell presented the petition of sundry citizens of Wilcox county, praying to be attached to the county of Lowndes; which was read and referred to the committee on county boundaries.

Mr Alston introduced a bill to amend the charter of the Linden rail road company; which was read and ordered to a second reading on Monday next.

Mr Shields introduced a bill to repeal an act therein named; which was read and ordered to a second reading on Monday next.

Mr Gordon introduced a bill to alter and amend in part, an act therein named, which was read and ordered to a second reading on Monday next.

Mr Clifton introduced a bill to compensate the commissioners of roads and revenue in the county of Cherokee; which was read and ordered to a second reading on Monday next.

Mr Puckett introduced a bill to incorporate the town of Oakville, in the county of Lawrence; which was read and ordered to a second reading on Monday next.

On motion of Mr Erwin, *Resolved*, That the committee on propositions and grievances be instructed to inquire into the expediency of increasing the wages of the door-keeper of this House, with leave to report by bill or otherwise.

On motion of Mr Jones of B., *Resolved*, That the committee on propositions and grievances inquire into the expediency of regulating more equitably the fees of doctors and tavern bills, and report by bill or otherwise.

Mr Burt introduced a bill supplemental to an act entitled an act to extend the time of indebtedness to the State Bank and its branches, and for other purposes; which was read and ordered to a second reading on Monday next.

Mr Burt introduced a bill for the relief of Patience Powell; which was read and ordered to a second reading on Monday next.

Mr Carmack introduced a joint memorial to the Congress of the United States praying for a donation of land to citizen soldiers; which was read and adopted. Ordered, That the same be sent to the Senate for their concurrence.

Mr Simmons of P., introduced a bill to appoint a committee of finance in the counties of Pike and Henry, and for other purposes; which was read and ordered to a second reading on Monday next.

Mr Blake introduced a joint resolution proposing an amendment to the Constitution of the State of Alabama. Mr May moved its indefinite postponement; which was lost. Mr Williams of T., moved to lay the resolution on the table; which was carried.

Ordered, That Mr King be added to the committee on the State Bank.

Ordered, That Messrs Taylor, Bates and Alston, be added to the committee on rail roads.

Ordered, That Mr May be added to the committee on Indian expenditures.

And then the House adjourned until Monday morning ten o'clock.

Monday, November 20th, 1837.—A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives for the purpose of waiting on the Governor elect, when the hour of 12 o'clock shall arrive on Tuesday the 21st instant, and inform him that the two Houses are ready to receive him in the Representative Hall, for the purpose of witnessing the administration of the oaths of office. They have appointed on their part Messrs Terry, Elmore and Smith; in which they ask the concurrence of the House of Representatives. Ordered, That the house concur in the above resolution from the Senate; whereupon Messrs Smith of M., May and Payne, were appointed on the part of the House.

Mr Middleton T. Johnson, a member elected to represent the people of Marshall county, appeared within the Hall of the House, was qualified, and took his seat.

Mr McClellan presented the petition of the officers and military staff of the 79th regiment of Alabama militia, praying the passage of an act in relation to brigade encampment musters; which was read and referred to the committee on military affairs.

Mr McClellan presented the petition of the officers of the 79th regiment of

Alabama militia, praying to have a part of the 74th regiment attached to said regiment; which was read and referred to the committee on military affairs.

Mr Taylor presented the petition of sundry citizens of Fayette county, praying to have an election precinct therein named abolished, and one in lieu thereof established; which was read and referred to the committee on privileges and elections.

Mr Horton presented the petition of Elizabeth Jewell, praying the passage of an act authorizing and empowering her to trade as a *feme sole*; which was read and referred to the committee on propositions and grievances.

Mr Burt presented the account of William Houghton for prosecuting a slave charged with murder; which was read and referred to the committee on accounts.

Mr Smith of M., presented the petition of sundry citizens of Jackson and Madison counties remonstrating against the right of John Lawler, to erect a mill dam over Flint river at the town of Brownsborough; which was read and referred to a select committee consisting of the delegation from the counties of Jackson and Madison.

A message was received from the Senate by Mr Connor their Secretary—Mr Speaker: The Senate concur in the resolution of the House, proposing to appoint a committee for the purpose of designating the order of ceremony to be observed on the installation of the Governor elect, and have appointed on their part, messrs Posey, Wellborn and Smith.

Mr Vining presented the petition of sundry citizens of Madison county, in relation to the propriety of John Lawler's building a mill dam across Flint river, at Brownsborough; which was read and referred to a select committee consisting of the delegation from Jackson and Madison counties.

Mr Calhoun presented the petition of the officers of a certain volunteer company in the county of Dallas, called the Dallas riflemen; which was read and referred to a select committee composed of the delegation from the county of Dallas.

Mr Payne from the committee on propositions and grievances, to whom was referred the petition of Polite Collins: reported a bill to authorise Polite Collins to inherit certain real estate; which was read and ordered to a second reading on to-morrow.

Mr Sullivan from the judiciary committee to whom was referred the petition of Eliza A. Thompson, guardian of Louisa C. Ely, praying a transfer of the person and property of her said ward, from the county of Madison to the county of Talladega: reported a bill to authorise Eliza A. Thompson, guardian of Louisa C. Ely, to transfer said guardianship from the Orphan's Court of Madison county to the Orphan's Court of Talladega county; which was read and ordered to a second reading on to-morrow.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles, viz: an act to incorporate the town of Yorkville, in the county of Pickens; an act to divorce John J. Coleman, from his wife Emiline R. Coleman.

Mr Skinner from the committee on roads bridges and ferries to whom was referred the bill for the government of Turnpike roads: reported the same back to House, with an amendment thereto; which was concurred in. The bill was then ordered to a third reading on to-morrow.

Mr Greening from the committee on accounts to whom was referred the account of Samuel Stephens, jailor of Franklin county: reported the same as being improperly authenticated, and asked to be discharged from its further consideration; in which the House concurred.

The same committee to whom was referred the account of Alexander Bratton, constable of DeKalb county, and John S. Ledbetter, clerk of the circuit court of Dale county, have examined the same, and report that they are not properly chargeable against the State and ought not to be allowed. Ordered, That the same lie on the table.

The same committee to whom was referred the account of William Johnson, sheriff of Sumter county: reported that the account is not properly authenticated, and asked to be discharged, in which report the House concurred.

Mr Alston from the committee on divorce and alimony to whom was referred the subject, reported a bill to divorce Mary Maniac from her husband Alexander Maniac; which was read and ordered to a second reading on to-morrow.

The same committee to whom was referred the petition of Mary Weaver, praying to be divorced from her husband Daniel Weaver, reported a bill to divorce Mary Weaver from her husband Daniel Weaver; which was read and ordered to a second reading on to-morrow.

Mr Burt from the select committee to whom was referred the bill from the Senate to increase the pay of jurors in certain counties therein named: reported the same with an amendment; in which the House concurred. Mr Davis of B., moved to amend by striking out the word "Bibb" where it occurs in the second section; which was carried. Mr McClellan moved to insert "Talladega and Macon" between the words "Franklin and Pickens" where they occur in the first section of the bill; which was carried. The bill was then ordered to a third reading on to-morrow.

Mr Speaker laid before the House the record and proceedings of the circuit court of Autauga county, containing the decree of said court, divorcing John Thomas from his wife Rebecca Thomas; which was read and referred to the committee on divorce and alimony.

On motion of Mr Morris, *Resolved*, That the joint committee of this House on the printing of Bank documents, be instructed to procure the report of the commissioners to examine the Branch bank at Montgomery, and all other documents relating to said bank, and have them printed for the use of this House.

On motion of Mr Oliver, *Resolved*, That the editor of the Alabama Journal be permitted to take a seat within this Hall, and take notes of its legislative proceedings.

Mr Simmons of L., was added to the committee on the State Bank, by order of the House.

Mr Shields who voted in the majority on the question of concurring in the report of the committee on education, on the bill authorising the Mobile institute to confer literary degrees and for other purposes, moved to reconsider said vote, which was carried. Ordered, That the bill lie on the table.

Mr Speaker laid before the House the report of the commissioners appointed to examine into the affairs and condition of the branch of the Bank of the State of Alabama, at Huntsville; which was read. Ordered, That one thousand copies thereof, be printed in pamphlet form, in connection with the other reports heretofore made.

Mr Porter called up the resolution heretofore offered by him in relation to the Banks. Mr Porter then moved to strike out all after the word "Resolved" and insert the following: "That inasmuch as the system under which the Bank of the State of Alabama and its several branches are organized in one, creating a direct pledge of the faith and credit of the people of the State, for the ultimate redemption of their capital stock—a failure to manage the affairs of these institutions with prudence and economy would inflict upon the good people of this State, a depreciated currency and most oppressive taxation.

Resolved, That a positive responsibility is imposed upon the General Assembly of the State of Alabama, to guard those banks against all mismanagement and to notice that their transactions be conducted with the most scrupulous regard to their safety.

Resolved, That the people of the State, have the right to be informed by a most full and undisguised development of every particular relating to the condition of these Banks, and that we owe it in justice to the whole community, to whom we have pledged the character of the State—that while the pledge will never be violated, yet the banks will be so conducted as to ensure a safe medium of circulation, redeemable at all times, in the constitutional coin of the country.

Resolved, That however imprudent may have been the issues of the bank heretofore, a reduction now of those issues, by their sudden restrictions, in proportion with the specie in the vaults would result in evils of the most ruinous nature, and therefore, some immediate and effectual step is essential in order to increase the specie of the banks to a proper scale, to their notes in circulation.

Resolved, That for the purpose of securing the general safety of our banks, of ascertaining what de-

facts have existed in their management, of separating as far as possible, their past defects from their future conduct, and of protecting them from the errors of system, which depreciates the value of their notes and drains their vaults of specie, a committee of three be raised by this House, who are hereby authorized either alone or in conjunction with such committee as may be raised by the Senate, to repair to the Bank of the State of Alabama and its several branches, and to prepare such a report, as will comport with the objects of this resolution.

Resolved, That said committee have authority to examine all the books and papers of said bank, and the officers thereof, and that they be authorized to conduct the examinations during the recess and report to His Excellency the Governor.

Mr Erwin moved to postpone the further consideration of the subject until Friday next, and that the same be made the special order for that day; which was carried.

The House then proceeded to the consideration of the orders of the day.

The bill to regulate the compensation of witnesses in civil cases, and for other purposes, having been made the special order for this day, Mr Erwin moved to amend the same by way of proviso, to come in at the end of the fifth section; which was carried. Mr Jones of B. moved to strike out the first section, with a view to insert two other sections. Mr Erwin moved to lay the amendments on the table; which was carried. Mr Erwin moved to strike out the words "either debnesse or interrogatories," where they occur in the third section; which was carried. Mr Long moved to amend by striking out the following words, where they occur in the third section, viz: "more than one hundred miles from the place of holding the court in which his evidence may be wanted," and insert the following: "when the witnesses reside out of the county in which the court is to be held." Mr Erwin moved to lay the amendment on the table; which was carried. Mr Sullivan moved to amend by adding thereunto an additional section. Mr Erwin moved to lay the amendment on the table; which was carried. Mr Erwin moved to amend the numbers of the sections so as to make them correspond with each other; which was carried. Mr Jones of B. moved to amend by adding two additional sections to the end of the bill. Mr Womack moved to lay the amendment on the table; which was carried. Yeas 75, nays 6.

The yeas and nays being desired, those who voted in the affirmative, are Messrs: Speaker Aldridge Andress, Ashurst Baker Beauchamp Bestor Blake Boston Brevard Burt Calhoun Cane Carmack Clifton Clough Cobb Coman Cook Cottrell Cross Daniel Davis of B. Davis of M. Erwin Gann Godbold Gordon Hammond Horton Johnson Jones of C. Lee Long Martin May McAlpin McClannahan of M. McClannahan of S. McClellan McLemore Morris Nelson Owen Parker Payne Phillips Porter Priest Prim Puckett Rawls Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Spencer Stephenson Sullivan Tarrant Tiffin Toulmin Vining Weissinger Williams of H. Williams of T. Williams of P. Wilson and Womack.

Those who voted in the negative are Messrs. Booker Jones of B. Scott of M. Smith of M. Taylor and Warren. Mr Jones of B. moved to amend by an additional section to come in at the end of the bill. Mr Payne moved the previous question; which was carried. Ayes 51, noes 31.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Speaker Aldridge Ashurst Baker Bestor Boston Brevard Burt Calhoun Cane Carmack Cobb Cochran Coman Cook Cottrell Daniel Erwin Johnson Lee Martin May McAlpin McClannahan of S. McClellan McLemore Morris Nelson Oliver Parker Payne Phillips Porter Puckett Ross Scott of m. Shields Simmons Simon-ton Skinner Smith of D. Spencer Tiffin Toulmin Vinning Williams of H. Williams of P. Williams of T. Wilson and Womack.

Those who voted in the negative, are Messrs. Alston Andress Beauchamp, Booker Clifton Davis of B. Davis of m. Gann Godbold Gordon Hammond Horton Jones of B. King Long McClannahan of m. Priest Prim Rawls Rogers Scott of J. Sheffield Simmons of P, Slaughter Smith of m. Stephenson Sullivan Tarrant Taylor Warren and Weissinger.

The main question being upon ordering the bill to be engrossed and made the order of the day for a third reading on to-morrow was taken and carried.

The bill to organize a company of rangers for the frontier settlements of Alabama bordering on West Florida, to protect the inhabitants against Indian depredations, being the special order, was read the second time. Mr Calhoun moved to amend by adding after the word "security," where it occurs in the bill, the words, "payable to the Governor of the State of Alabama and his successors in

office;" which was carried. Mr Morris moved to amend by striking out third section; which was carried. Mr Wallace moved to strike out "paymaster" and insert "quarter master;" which was carried. The bill was then referred to a select committee consisting of Messrs. Warren, Calhoun and Morris. Then the House adjourned till to-morrow morning, 10 o'clock.

Tuesday, November 21.—A message was received from the Senate by Childress, their assistant secretary—Mr Speaker: The Senate have passed which originated in the House of Representatives of the following titles, An act to compensate Dennis Dent and Samuel M. Meek for slaves executed according to law; an act to incorporate the Oakville female academy in the county of Lawrence; an act to declare Bottle Creek a public highway for purposes therein named; an act to explain an act entitled an act for the relief of Cassander Ke approved November 26th, 1836; an act authorising the assessor and tax collector for the county of Lauderdale; an act for the relief of Thomas C. Russell, Benjamin Taylor and James Taylor; an act to remunerate certain persons therein named and for other purposes; an act to incorporate the town of Fredonia in the county of Chambers. They have also passed bills which originated in the Senate of the following titles, viz: An act to amend an act entitled an act to incorporate the Florence bridge company, approved January 12, 1832; and an act for the relief of the purchasers of the sixteenth section, of township one, range ten west of the county of Lauderdale and for other purposes; in all of which they ask the concurrence of the House of Representatives.

Messrs. A. Finley and Daniel Lucas, members elected from the county of Johnson, to fill the vacancies occasioned by the resignation of Messrs. Harris and David of said county, appeared within the Hall of the House of Representatives were qualified and took their seats.

On motion of Mr Erwin, Ordered, that all the amendments offered to the bill to regulate the compensation of witnesses in civil cases, be spread upon the journals. Mr Erwin moved to amend the same by way of proviso, to come in at the end of the 5th section, as follows: "Provided that nothing contained in the said section shall apply to the county of Marengo, but that in said county, the law now in force, requiring witnesses continually to attend from term to term, and having been once subpoenaed, until the suit in which their evidence may be needed shall be tried or the witness be discharged, as now provided, shall continue in full force and operation, notwithstanding any thing in this bill contained;" which was carried. Mr Jones of B. moved to amend the same by striking out the first and second section and inserting in lieu thereof, the following, viz: "That from and after the first day of January, 1838, the county judges and commissioners of roads and revenue, in each and every county in this State, shall have power to order that they are hereby required at their first commissioners court; holden on the first Monday of February, (if in their judgment it doth appear right and expedient) to raise or lower the fees of witnesses and jurors per day; which are subpoenaed to attend the circuit and county court of the county of said judge and commissioner. Section 2. *And be it further enacted*, That from and after the first day of January, 1838, no witness or juror subpoenaed to attend any of the circuit or county courts of this State, shall receive more compensation per day for his or her attendance at said circuit or county courts, than is determined or allowed by the judges and commissioners of said county, to which he or she is subpoenaed, any law or usage to the contrary notwithstanding. Mr Erwin moved to lay the amendment on the table; which was carried. Mr Sullivan moved to amend by adding an additional section to the bill, as follows: *And be it further enacted*, That any party, his or her agent, desiring the evidence of any witness in his or her cause

pending in the courts of this State, may obtain a subpoena, for such witness as now prescribed by law, said party, his or her agent shall serve and execute said subpoena on the witness, and if said witness fail to attend according to the mandate of the subpoena, the party, his or her agent, on the production of the subpoena and making oath of the due service of the same, such witness shall be liable to be fined or attached as now provided by law. Mr Erwin moved to lay the amendment on the table; which was carried. Mr Jones of B. moved to amend by adding by adding two additional sections, numbered 8 and 9, to come in at the end of the bill; which is as follows: Sec. 8. *And be it further enacted*. That so much of this act as allows one dollar and fifty cents per day for witnesses, shall not apply to Butler county. Sec. 9. *And be it further enacted*, That from and after the first day of January, 1838, the county judges and commissioners of roads and revenue in the county of Butler, shall have power and they are hereby required at their first commissioners court, holden on the first Monday in February, if in their judgment it doth appear right and expedient, to raise or lower the fees of witnesses and jurors per day, which are subpoenaed to attend the circuit and county courts of said county. Sec. 10. *And be it further enacted*, That from and after the first day of January, 1838, no witnesses or jurors subpoenaed to attend any of the circuit or county courts of Butler county, shall receive more compensation per day for his or her attendance at any of the said circuit or county courts, than is determined or adjudged and allowed by the said judge and commissioners of said county, any law or usage to the contrary notwithstanding. Mr Womack moved to lay the amendment on the table; which was carried. Yeas 75 nays 6, as heretofore entered. Mr Jones of B. moved to amend by adding to the end of the 5th section, an additional section, as follows: Sec. *And be it further enacted*, That from and after the passage of this act, that attorneys and counsellors at law shall only be entitled to receive from the unsuccessful party in any of the circuit or county courts of this State, the following tax fee, hereinafter described, provided however, this section is not intended to effect the tax fee of any suit pending in any of the courts of this State, at the passage of this act. Prosecuting or defending a suit in the county court two dollars; for like services in the superior court, three dollars; for prosecuting or defending a suit in chancery, seven dollars and fifty cents; for prosecuting or defending a mixed or real action, where the titles or bounds of is in question, ten dollars; any law, usage or custom to the contrary, notwithstanding. Mr Payne moved the previous question; which was sustained. Yeas 51, nays 31.

Mr May from the select committee raised under a resolution of the House, whose duty it was made to designate the order of the ceremony to be observed on occasion of the installation of the Governor elect, and to make all necessary and suitable arrangements for that purpose, and requiring them to report the same for the information and approval of both Houses, report that they performed the duty assigned them, and recommend the following order to be observed.

Both Houses of the General Assembly shall suspend business at fifteen minutes past eleven o'clock A. M. The Door-keeper shall remove the Chairs of the Senate Chamber to the Area of the Hall of the House of Representatives for the accommodation of the Senate; and they shall also provide seats in the Area for the accommodation of the ladies, Judges of the Supreme and Circuit Courts and revolutionary soldiers, who shall be invited to take seats within the Bar of the House. The Senate shall be invited to repair to the Hall of the House at ten minutes before 12 o'clock. At 12 o'clock the Governor Elect, accompanied by the acting Governor and Chaplain, and the select joint committee shall enter the Hall of the House. The Governor, Elect acting Governor and Chaplain shall take their seats by the Speaker and President of the Senate. The Chaplain will then perform the duties required of him; the Governor Elect will then deliver his inaugural address, after which the oaths of office will be administered by the Speaker of the House. The Governor, Chaplain and committee of arrangements will first leave the House; and next the President and members of the Senate; when the Senate shall have returned to their Chamber, both Houses will adjourn for the day. All of which is respectfully submitted.

Ordered, that the House concur in thereport submitted.

Mr Smith of M. from the committee on the State Bank, to whom was referred the petition of sundry citizens of Jackson county, requesting a law requiring

The bill from the Senate for the relief of the purchasers of the sixteenth section township one, range ten west, in the county of Lauderdale, and for other purposes, was read the first time and ordered to a second reading on to-morrow.

The bill from the Senate to amend an act, entitled an act to incorporate the Florence bridge company, approved January 12, 1832, was read and ordered a second reading on to-morrow.

Mr Calhoun from the select committee, to whom was referred the bill to attach the county of Bibb to the third judicial circuit, reported the same back with sundry amendments. Mr Porter then moved to refer the bill to the judiciary committee; which was carried.

Accounts were presented by Messrs. Clough, Beauchamp and Wallace; which were severally read and referred to the select committee on Indian expenditures.

Mr Horton presented the petition of the Mayor and Aldermen of the town of Huntsville, praying to have said town incorporated; which was read and referred to the committee on propositions and grievances.

Mr Coman from the select committee, to whom was referred a resolution inquiring into the expediency of memorialising the Congress of the United States for a further appropriation for the completion of the Muscle Shoals Canal, reported a joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States; which was read and adopted. Ordered, that the clerk acquaint the Senate therewith.

Mr Erwin from the judiciary committee, to whom was referred the bill for the better regulation of trade in the city of Mobile, reported the bill back to the House amended as therein shewn; in which they ask the concurrence of the House. Mr Lee then moved to postpone the further consideration of the bill until Monday day next, and that the same be made the special order for that day; which was carried. Ordered, that one hundred copies of the bill as amended, be printed for the use of the House. And then the House adjourned until fifteen minutes before 12 o'clock, noon.

The House met pursuant to adjournment.—Mr May offered the following resolution: *Resolved*, That the Senate be now informed that the House is now ready to receive them in the Hall of the House of Representatives, for the purpose of witnessing the inauguration of the Governor elect. The Senate repaired to the Hall of the House of Representatives, and took their seats, when the Governor elect delivered before the two Houses his inaugural address. The oaths of office were then administered by the Speaker of the House of Representatives, in the presence of both Houses of the General Assembly. His Excellency, the Governor then retired from the House—The Senate then withdrew, and the House adjourned till to-morrow morning, ten o'clock.

Wednesday, November 22.—A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills of the following titles, which originated in the House of Representatives, to wit: An act to remove the seat of justice in the county of Pike and for other purposes; an act to raise a revenue for the county of Covington, and to regulate the compensation allowed to clerks and sheriffs for ex-officio services in said county; an act to incorporate the town of Columbiana in the county of Shelby; an act to incorporate the Casetah academy. They have also passed bills which originated in the Senate of the following titles: An act to provide for the repairing of the streets and alleys in the town of Jacksonville; an act to change the time of holding the county court of Benton county; in which they ask the concurrence of your honorable body

The bill from Senate to provide for the repairing of the streets and alleys in the town of Jacksonville, was read and ordered to a second reading on to-morrow.

The bill from the Senate to change the time of holding the county court of Benton county, was read and ordered to a second reading on to-morrow.

Mr Brashier presented the petition of sundry citizens of Fayette county, praying to have the election precinct at William O. Russells in said county abolished, and one established in lieu thereof at Lawrence Dumas, in said county; which was read and referred to the committee on privileges and elections.

Mr Shields presented the memorial of sundry citizens of Marengo county, praying a loan of money from the Bank to the undertakers of the Demopolis and Moodville rail road company upon certain terms therein mentioned; which was read and referred to the committee on rail roads.

A message was received from his Excellency, the Governor, by Mr Gooch, his private secretary—Mr Speaker: His Excellency, the Governor, did on Monday the 20th inst. approve and sign the following acts, viz: An act to incorporate the town of Yorkville in the county of Pickens; an act to divorce John J. Coleman from his wife Emiline R. Coleman, both of which originated in the House of Representatives.

Mr Johnson presented the petition of sundry citizens of Morgan county, praying to be attached to the county of Marshall; which was read and referred to a select committee, consisting of the delegation from the counties of Morgan and Marshall.

Mr Cross presented the petition of Henry Blacett, praying the privilege of retailing ardent spirits without licence, as now required by law; which was read and referred to the committee on propositions and grievances.

Mr Morris presented the memorial of sundry citizens of the town of Wetumpka, praying for banking privileges as shewn in the memorial; which was read and referred to a select committee, consisting of Messrs. Morris, Clough and McLemore.

Mr Scott of J. presented the petition of Elizabeth McDuff, praying for relief as therein shewn; which was read and referred to the committee on the State Bank.

Mr Erwin from the judiciary committee, to whom was referred the bill to suppress malpractice by factors and carries and other agents, reported the same with sundry amendments, in which the House concurred. The bill was then ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred the petition of James C. Malone, praying the passage of an act authorising the sale of a certain tract of land belonging to the heirs of Wyatt Wilkinson, deceased, reported that it is inexpedient to legislate upon the subject matter of said petition. On motion of Mr Nelson, ordered, that the report lie on the table.

Mr Erwin from the judiciary committee, to whom was referred a resolution instructing said committee to inquire into the expediency of abolishing the common law jurisdiction of the county courts of the several counties of this State, reported that it is inexpedient to legislate on the subject. On motion of Mr Jones of B. ordered that the report lie on the table.

The same committee to whom was referred the bill the better to regulate the establishment and discontinuance of election precincts in the several counties in this State, report that in their opinion the passage of said bill would not be authorised by the constitution of this State. By the 8th section of the 3d article of that instrument, it is declared that elections for Representatives for the several counties, shall be held at the place of holding their respective courts, and at such

other place as may be prescribed by law. The committee unanimously believe that the provision of the constitution requires the Legislature to expressly designate the particular places where elections shall be held, and prohibits the delegating of that duty upon the judge of the county court and commissioners of roads and revenue, as proposed by the bill. If such a course were pursued, the constitution and not the law would prescribe the places at which elections should be held; they therefore recommend to the House that the bill be rejected; in which report the House concurred. Ordered, that the bill lie on the table.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of requiring justices of the peace to give bond and security in the several counties in this State, report that it is inexpedient to legislate on the subject; in which report the House concurred.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of so amending the constitution of this State as to give to the people of each county the right of electing their own county judges, reported that in their opinion it is inexpedient to amend the constitution as proposed by the resolution. Ordered, that the report lie on the table.

The same committee to whom was referred a resolution, instructing them to inquire into the expediency of so amending the petition and summons law, as to prevent judgments being obtained the first term of the courts, report that it is expedient to legislate on the subject. Ordered, that the report lie on the table.

The same committee to whom was referred a bill to prevent malicious suits, reported that it is inexpedient to pass the bill; in which they ask the concurrence of the House. Mr Carmack moved to disagree to the report; which was lost. The report was then ordered to lie on the table.

The same committee to whom was referred the bill to amend the law now in force, in relation to retailers of spirituous liquors, reported the same with sundry amendments; in which the House concurred. Mr Erwin then moved to strike out "twenty," where it occurs in the first section of the bill, and to insert in lieu thereof, "fifty;" which was lost. Mr Bates moved to amend by an additional section, number six, to come in at the end of the last section; which was carried. Mr Williams of H. moved to amend by inserting the words "or Henry," after the word "Mobile," where it occurs in the sixth section; which was lost. Mr Hammond moved to amend by way of proviso, to come in at the end of the last section, as follows: *Provided however*, that this act shall not be so construed as to operate or have any effect in the county of St. Clair; which was lost. Mr Baker moved to amend by adding to the end of the last section, the following: "within five miles of said petitioner;" which was carried. Mr Johnson moved to amend by adding after the word "freeholder," where it occurs in the bill, the words, "house-holder;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred the bill for the protection of the remains of the dead and for other purposes, reported the same with sundry amendments as therein shewn; in all of which the House concurred. Mr Phillips then moved to amend by way of proviso, to come in at the end of the last section, which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of raising the tax on all shows of every denomination and on pedlers licences, reported a bill to be entitled "an act to better regulate the taxing of pedlers and shows;" which was read and ordered to a second reading on to-morrow.

Mr Smith of M. from the committee on the State Bank, to whom was referred the petition of sundry citizens of Jackson county, requesting a law requiring the Bank of the State of Alabama and its several branches, to redeem their notes under five dollars, reported that it is inexpedient to legislate on the subject; in which the House concurred.

The same committee to whom was referred a resolution to inquire into the expediency of authorising the State Bank and the several branches, to issue notes less than one dollar, until the banks resume specie payments, reported that it is inexpedient to legislate on the subject. Mr Erwin moved to lay the report on the table; which was carried.

The same committee to whom was referred the bill to compensate the Directors of the Bank of the State of Alabama and its several branches, reported that it would be inexpedient to pass the bill. Mr Stephenson moved to lay the report on the table; which was carried.

Mr Payne from the committee on proposition and grievances, to whom was referred the resolution of inquiry into the propriety of regulating more equitably the fees of doctors and tavern bills, reported that it is inexpedient to legislate on the subject. Mr Jones of B. moved that the report lie on the table; which was carried.

The same committee to whom was referred a resolution instructing them to inquire into the expediency of increasing the wages of the door-keeper of this House, reported a bill to regulate the wages of the door-keeper of the House of Representatives; which was read and ordered to a second reading on to-morrow.

Mr Payne from the same committee to whom was referred the petition of Isaac M. Thomas, reported that it is inexpedient to legislate on the subject; Mr McClannahan of S. moved to lay the report on the table; which was carried.

Mr Shields from the committee on education to whom was referred a resolution instructing them to inquire into the expediency of extending the corporal limits of Lagrange College to five miles, &c. reported that it is inexpedient to legislate on the subject. Ordered, that the report lie on the table.

Mr Phillips from the judiciary committee, to whom was referred the resolution of inquiry into expediency of so amending the patrol laws now in force, as to make the leaders and members of patrol detachments, liable to the fine now prescribed by law &c. reported a bill to amend the patrol laws now in force; which was read and ordered to a second reading on to-morrow.

Mr Calhoun from the select committee to whom was referred the petition of John Grumbles, Ormond T. Jones and Drury Ross, reported a bill to incorporate the Dallas Riflemen company of Volunteers; which was read and ordered to a second reading on to-morrow.

Mr Speaker laid before the House the transcript of the record of the circuit court of Jefferson county, containing a decree of said court, divorcing Early A. Brown from his wife Elizabeth Brown; which was read and referred to the committee on divorce and alimony.

Mr Speaker also laid before the House a communication (together with a digest of the militia laws,) from Messrs. General Crabb and Bradford, which was referred to the committee on military affairs.

The House then proceeded to the consideration of the orders of the day.

The bill from the Senate to incorporate the town of Blountsville in Blount county, was read the third time and passed. Ordered, that the title be as aforesaid and that the clerk acquaint the Senate therewith.

The engrossed bill to locate the seat of justice in Russell county, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill permanently establishing the seat of justice in Tallapoosa county, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to change the time of convening the General Assembly was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill authorising the judge and commissioners of roads and revenue of Butler county to levy a county tax, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to regulate the width of lanes on public roads, in the counties of Lawrence, Madison, Jackson, Franklin, Bibb, Pickens, St. Clair and Autauga, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to authorise compensation to the commissioners of revenue and roads in Sumter county, was read the third time. Mr Phillips moved to amend by inserting after the word "Sumter," where it occurs in the bill, the following: "And the county of Dallas;" which was carried. Mr Shields moved to amend by inserting preceding the word "Dallas," where it occurs in the bill the following: "In the county of Marengo;" which was carried. Mr Jones B. moved to amend by adding before the word "Marengo," the words, "Butler and." The bill was then read the third time and passed. Ordered, that the word "Sumter," where it occurs in the caption of the bill, be stricken out, and in lieu thereof the following be inserted: "Certain counties therein named," and that the bill be sent to the Senate for their concurrence.

The engrossed bill to repeal in part the several acts and amendments establishing and incorporating the towns of St. Stephens and Rodney in Washington county, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to subject certain persons therein named to road duty, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to amend an act for the establishment of schools in the county of Mobile, and to provide a sum for the maintenance of the same, passed December 19th, 1836, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to amend the law in relation to grand jurors, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to regulate the compensation of witnesses in civil cases, was read the third time. Mr Booker moved to amend by way of engrossed rider, to come in at the end of the bill as an additional section, No. 9; which was carried. The bill was then passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence. The yeas and nays being called for in the passage of the bill, there were yeas 79, nays 7.

Those who voted in the affirmative, are Messrs. Speaker Aldridge Alston Andress Ashurst Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Carmack Clifton Clough Cobb Cochran Cook Cottrell Daniel Davis of B. Davis of M. Erwin Finley Gann Godbold Hammond Johnson Jones of B. Jones of C. Lee Long Lucas Martin May McAlpin McClannahan of M. McClannahan of S. McClellan McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Pritchett Puckett Rawls Rogers Ross Scott of M. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Stephenson Sullivan Tarrant Taylor Tiffin Toulmin Vinning Warren Weissinger Williams of P. Williams of T. Wilson Womack and Young.

Those who voted in the negative, are Messrs. Coman Horton King Scott of J. Simmons of P. Smith of M. and Williams of H.

The engrossed bill more particularly to define the numbers of petit jurors to be drawn for the county of Covington and for other purposes, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill from the Senate, requiring the cashier of the State Bank to pay certain claims in specie, was read, and on motion of Mr Calhoun, Ordered, that the bill lie on the table.

The bill from the Senate for the government of turnpike roads, was read, and on motion of Mr Porter, Ordered, that the bill lie on the table.

The bill from the Senate to increase the pay of jurors in certain counties therein named, was read. Mr Owen moved to amend, by adding after the word "Pickens," where it occurs in the first section of the bill, the word "Washington," which was carried. Mr Taylor moved also to add the word "Fayette" after the word "Washington," which was carried. Mr Blake moved to amend in first section, after the word "Washington," the word "Randolph," which was carried. Mr Long moved to add after "Pickens," in first section, the word "Russell," which was carried. Mr Gann moved to add "Marion" before the word "Russell," which was carried. The bill as amended was then passed. Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The bill to increase the capital stock of the Bank of the State of Alabama, and for other purposes, was read the second time and referred to the committee on rail roads.

The bill to regulate in part the payment of taxes in the county of Shelby, was read the second time and referred to a select committee, consisting of the delegation from Shelby county.

The bill declaratory of the true intent and meaning of the laws of this State, regulating elections, was read the second time. Mr Morris moved to amend, by adding to the end of the second section the following: "Unless the party shall make oath that said certificate is destroyed or lost," which was lost. Mr. Bates moved to amend by striking out where they occur in the first section, the following words: "Or for any officer or member of the corporation of any incorporated city, town or village in this State," which was lost. Yeas 28—Nays 58.

The Yeas and Nays being desired, those who voted in the affirmative are, Messrs Speaker Alston Ashurst Bates Brashire Burt Calhoun Clough Davis of M., Hammond Jones of B., Lee McClellan Morris Oliver Payne Perryman Phillips Porter Puckett Rogers Ross Scott of M. Simonton Stephenson Sullivan Tarrant and Williams of H.

Those who voted in the negative, are Messrs. Aldridge Address Baker Beauchamp Bestor Blake Booker Boston Brevard Carmack Clifton Cobb Cockran Coman Cook Cottrell Cross Daniel Davis of B. Erwin Finley Gann Godbold Gordon Horton Jones of C. King Long Lee Martin May McAlpine McClannahan of M, McClannahan of S Nelson Owen Parker Priest Prim Rawls Scott of S, Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of m. Taylor Toulmin Vining Weisinger Williams of P. Williams of T. Wilson Womack and Young.

The bill was then referred to the judiciary committee.

The bill to regulate and define the fees of clerks of the circuit and county courts, was read the second time and referred to the judiciary committee.

The bill to regulate water carriage and for other purposes, was read the second time and referred to the judiciary committee.

The bill to amend the laws in relation to the collection of taxes on real estates, was read the second time and referred to the committee on ways and means.

The bill to attach Barney Ivy, a citizen of Macon county to the county of Russell, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to alter and amend judicial proceedings in certain cases therein mentioned, was read the second time and referred to the judiciary committee.

The bill to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to amend the charters and for the better government of the Bank of the State of Alabama and the several branches thereof, was read the second time. Mr. Erwin moved to postpone the further consideration thereof, until to-morrow 12 o'clock, (noon) and that it be made the special order for that hour, which was carried. Mr Porter introduced a bill to compensate certain persons therein named, for work done for the State, which was read and ordered to a second reading on to-morrow. Mr McClellan introduced a bill to regulate the drawing and summoning of jurors for the county of Talladega, which was read and ordered to a second reading on to-morrow. Mr McClannahan of M., introduced a bill authorizing John Orr to erect gates, which was read and ordered to a second reading on to-morrow.

On motion of Mr Davis of M., *Resolved*, That a committee of three be appointed, whose duty it shall be to wait upon his Excellency the Governor, and request that he will transmit to this House a copy of his inaugural address, that the same may be spread upon the journals; whereupon, Messrs. Davis of M., Scott of S. and Andress, were appointed said committee. Mr Puckett introduced a bill to provide for the sale of lands and slaves at the town of Courtland, in certain cases; which was read and ordered to a second reading on to-morrow.

Mr May called up from the table the bill to divorce Gincy Tidwell from her husband Peter B. Tidwell; which was placed among the orders of the day for its second reading on to-morrow. Mr Bates introduced a bill to increase the jurisdiction of the county court of Mobile county; which was read and ordered to a second reading on to-morrow. Mr Young introduced a bill to establish an additional election precinct in the county of Tallapoosa; which was read and ordered to a second reading on to-morrow. Ordered, that leave of absence be granted to Mr Cane for an indefinite period. And then the House adjourned till to-morrow morning 10 o'clock.

Thursday, November 23.—House met pursuant to adjournment. Mr Williams of H., presented the petition of sundry citizens of Dale county, praying that the county be attached to the county of Henry; which was read and referred to a select committee, consisting of the delegation from the counties of Henry, Pike, Barbour and Dale. Mr Jones of B. presented the petition of Max. Armstrong, praying that the legislature may memorialize Congress in his behalf, for having made the first discovery of the fertility of the *prairie soil*, or to bestow upon him a premium for his enterprize and industry in the cultivation of the said prairie soil, which was read and referred to the committee on propositions and grievances.

Ordered, that leave of absence be granted to Mr Greening for one week.

Mr Morris presented the petition of sundry citizens of Coosa county, praying to have an election precinct established at the place therein mentioned; which was read and referred to the committee on privileges and elections.

Mr Speaker laid before the House the report of A. H. Gazzam, one of the commissioners appointed to examine into the affairs and condition of the branch of the Bank of the State of Alabama at Mobile; which was referred to the select committee raised for the purpose of having one thousand copies of all the reports from the different banks printed, with instructions to have one thousand copies of the same printed in pamphlet form, in connection with the others heretofore ordered to be printed.

Accounts were presented by messrs Brasher and Long; which were severally read and referred to the committee on accounts.

Mr Burt presented the account of E. Shackelford; which was read and referred to the committee on Indian expenditures.

Mr McClellan presented the petition of sundry citizens of Talladega county, praying to discontinue and establish certain election precincts therein named; which was read and referred to the committee on privileges and elections.

A message was received from the Senate by their assistant secretary, Mr Childress, viz—Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles; viz: An act for the relief of Horatio G. Harbin, and have amended the same by adding two additional sections, and the caption by adding 'and others,' as shewn in the bill; an act to divorce Polly Findley from her husband Joseph Findley; an act to divorce Campbell McMurtry from his wife Nancy McMurtry; an act to divorce Sarah Loyd from her husband Benjamin E. Loyd; an act to amend an act to incorporate the town of Talladega. They have also passed bills which originated in the Senate of the following titles: an act to declare Attabby creek, in the county of Henry, a public highway, for purposes therein named; an act to compensate certain persons for articles furnished troops while in the service of the United States; in which they ask the concurrence of the House of Representatives. Ordered, that the House concur in the amendments made by the Senate to the bill for the relief of Horatio G. Harbin. Ordered; that the clerk acquaint the Senate therewith.

The bill from the Senate to compensate certain persons for articles furnished troops while in the service of the United States, was read and ordered to a second reading on to-morrow.

The bill from the Senate to declare Attabby creek, in the county of Henry a public highway, for the purposes therein named, was read and ordered to a second reading on to-morrow.

Mr Long presented the petition of W. M. Kennon, praying to have remitted to him a fine, taken against him as a defaulting juror; which was read and referred to the committee on propositions and grievances.

Mr Godbold presented the petition of sundry citizens of Baldwin county, praying to have the fees of the sheriffs increased; which was read and referred to the committee on propositions and grievances.

Mr McCord from the committee on enrolled bills reported that they have examined, and find correctly enrolled, bills entitled an act to explain an act entitled an act for the relief of Cassander Kelley; an act for the relief of Thomas C. Russell, Baxter Taylor and James Taylor; an act to incorporate the Oakville Female Academy in Lawrence county; an act to incorporate the town of Fredonia, in the county of Chambers; an act to authorise Seth Love and William Wellborn to erect a wharf upon the Chatahoochie river, in Irwinton, Barbour county; an act to incorporate the Casetah academy.

Mr Alston from the committee on divorce and alimony to whom was referred a decree divorcing Rebecca Beaty from her husband Ezekial A. Beaty; which was read and ordered to second reading on to-morrow.

The same committee, to whom was referred a decree divorcing Dora Ann Hall from her husband Henry M. Hall, reported a bill to divorce Dora Ann Hall from her husband Henry M. Hall, which was read and ordered to a second reading on to-morrow.

Mr Erwin from the judiciary committee to whom was referred the bill to authorise limited copartnerships, reported the same with an amendment, in which the House concurred. The bill was then ordered to be engrossed and made the order of the day for a third reading on to-morrow.

The same committee to whom was referred the bill to regulate certain judicial

proceedings, reported the same without amendment and recommend that it pass. The bill was then ordered to be engrossed for a third reading on to-morrow.

The same committee to whom was referred the bill for the relief of security in certain cases, reported the same with an amendment, in which the House concurred. The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

Mr Warren from the select committee to whom was referred the bill to organize a company of rangers for the protection of the frontier settlements of Alabama bordering on West Florida against Indian depredations, reported the same and asked to be discharged from the further consideration of the subject, as they deemed it a subject more proper for the consideration of another department of the government. Ordered, that the report and bill lie on the table.

Mr Skinner from the committee on roads, bridges and ferries, to whom was referred a petition praying the liberty of turnpiking a road from the county of DeKalb county, to that of Cherokee county, reported a bill to authorize J. Brandon and his associates to Turnpike a certain road therein named; which was read and ordered to a second reading on to-morrow.

Mr McClellan from the committee on enrolled bills, reported that they had examined and find correctly enrolled bills of the following titles: An act to move the seat of justice in the county of Pike and for other purposes; an act to compensate Dennis Dent and Samuel M. Meek, for slaves executed according to law; an act to authorize the election of an assessor and tax collector for the county of Lauderdale and Montgomery; an act to remunerate certain persons therein named and for other purposes; an act to declare Bottle creek in the county of Conecuh a public highway, for purposes therein named; an act for the relief of Nancy Grubb; an act to raise a revenue for the county of Covington, and to regulate the compensation allowed to the sheriffs and clerks of said county for office services.

Mr Erwin from the committee on the judiciary to whom was referred the bill to change the time of holding the circuit courts of the eighth judicial circuit; reported the same without amendment. The bill was then ordered to be engrossed for a third reading on to-morrow.

The committee on roads, bridges and ferries, to whom was referred the petition of J. W. Durden and W. R. White, praying the right to construct a current bridge across the Alabama river, at Washington, in Autauga county, reported that it was inexpedient to legislate thereon; in which report the house concurred.

Mr Lee introduced a bill to be entitled an act for the removal of a part of the capital of the Branch Bank at Mobile, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Morris introduced a bill to incorporate the light artillery borderers; which was read and ordered to a second reading on to-morrow.

Mr Clough introduced a bill to make and declare the Ufaupie Creek a public highway; which was read and ordered to a second reading on to-morrow.

Mr Long introduced a join memorial to the Congress of the United States, in relation to the sufferers of the late Creek war; which was read and referred to the select committee on Indian expenditures.

Mr Clough introduced a bill to incorporate the Franklin Academy, in the county of Macon; which was read and ordered to a second reading on to-morrow.

On motion of Mr Cook, *Resolved*. That the judiciary committee be instructed to inquire into the expediency of repealing the law requiring the assessment of two dollars taxes in the bill of cost, in all suits for defraying county expenses and report by bill or otherwise.

On motion of Mr Blake, *Resolved*, That the committee on privileges and elections be instructed to inquire into the propriety of abolishing an election precinct in the county of Randolph, at the house of Hugh N. Harris, and one at the house of James Hawthorn, and establish in lieu thereof, one at the house of Joseph Henry; one at the store house of James W. Furlow, in the south end of said county. Mr. Phillips introduced a bill to regulate testimony in certain cases; which was read and ordered to a second reading on to-morrow.

Mr Address introduced a bill to incorporate the Monroe Company of Volunteer Riflemen in the county of Monroe; which was read and ordered to a second reading on to-morrow.

Mr Stephens introduced joint resolutions proposing amendments to the constitution of the State of Alabama; which was read and ordered to a second reading on to-morrow.

On motion of Mr Rawls, *Resolved*, That a select committee be appointed, consisting of one member from each of the following counties, to-wit: Monroe, Onechuh, Butler, Wilcox, Dallas, Marengo and Clarke, to inquire into the expediency of removing a part of the capital stock of the branch of the Bank of the State of Alabama at Mobile, to some suitable point on the Alabama river, with leave to report by bill or otherwise—Whereupon, Messrs. Rawls, Womack, Phillips, Alston, Carney and Sullivan were appointed the said committee.

Mr Carmack presented the petition of sundry citizens of Lauderdale county, praying for the relief of Thomas W. Webb, as therein shewn; which was read and referred to the committee on propositions and grievances.

Mr Godbold introduced a bill for the relief of William Sizemore and others; which was read and ordered to a second reading on to-morrow.

Mr McAlpin introduced a bill to regulate the manner of issuing writs of *ca. sa.*; which was read and ordered to a second reading on to-morrow.

On motion of Mr Puckett, *Resolved*, That the committee on internal improvement be instructed to inquire into the expediency of memorializing the Congress of the United States for the relinquishment of the two per cent. fund to the State, to be applied to like objects as contemplated for the three per cent. fund, with leave to report by memorial or otherwise.

On motion of Mr Morris, *Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative hall, on Saturday, the 25th instant, at 12 o'clock, (noon) for the purpose of electing a judge of the county court for the county of Coosa.

Mr Davis of M. called up the account of John Cowley, jailer of Morgan county, which was then on motion referred to the committee on propositions and grievances.

On motion of Mr Bestor, *Resolved*, That the Reverend Doctor Manly, president elect of the University of Alabama. be requested to preach in the Representative hall on Sunday next, at 11 o'clock, and that the speaker be requested to inform Mr Manly of the same.

On motion of Mr Taylor, *Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Tuesday, the 28th instant, (noon) for the purpose of electing a judge of the county court of Fayette county, and one member of the medical board at Livingston, in Sumter county.

Mr Godbold introduced a bill to repeal in part a certain bill therein named; which was read and ordered to a second reading on to-morrow.

Mr Erwin presented the petition of sundry citizens of Greene county, praying a removal of the seat of justice in said county; which was read and referred to a select committee, composed of the delegation from Greene county.

Mr Calhoun from the judiciary committee to whom was referred the bill to attach the county of Bibb to the third judicial circuit, and the report of the select committee thereon, reported the same back to the House, and recommended the adoption of the report of the select committee; in which the House concurred, and the amendments proposed by the select committee: the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Young introduced a bill to authorize William C. Bulger to establish a ferry on the Tallapoosa river; which was read and ordered to a second reading on to-morrow.

Mr Vining introduced a bill for the relief of Thomas Lowry, Jacob H. and Benjamin H. James; which was read and ordered to a second reading on to-morrow.

Mr Toulmin introduced a bill to incorporate the Mobile Jockey Club; which was read and ordered to a second reading on to-morrow.

Mr Alston introduced a bill for the compensation of talis jurors in the county of Marengo; which was read and ordered to a second reading on to-morrow.

Mr Tarrant introduced a bill to alter and amend the patrol law now in force in the county of Jefferson; which was read and ordered to a second reading on to-morrow.

Mr Burt introduced a bill to establish a company beat in the county of Baldwin, with a less number of privates than forty; which was read and ordered to a third reading on to-morrow.

Mr Priest introduced a joint memorial and resolutions to the Congress of the United States, on the subject of graduating the price of public lands and of making entries to be made of twenty acre lots; which was read and adopted. It was ordered, that the same be sent to the Senate for their concurrence.

On motion of Mr Sullivan, *Resolved*, That the committee on the State Bank inquire and make report to this House, whether any of the debtors of the Bank or its branches, have been sued before the time fixed by the board of directors for the debtors to take the benefit of the extension had expired: if such suits had been commenced, the debtors had availed themselves of the benefit of the extension, the costs of such suits had been included in the notes of the debtors; and if such be the state of facts, whether it would not be expedient to provide by law for said bank or the branch bank when suits had been commenced, to refund the costs to the debtor who had been taxed therewith, and the same included in the note of extension.

On motion of Mr King, *Resolved*, That the committee on internal improvement be instructed to inquire into the expediency of distributing to the several counties in this State annually, the interest arising on the three per cent fund for the object of internal improvement, by the several counties, and that they report by bill or otherwise.

The House then proceeded to the consideration of the orders of the day.

The bill to aid the Selma and Tennessee rail road company having been read, the special order of the day, was taken up for consideration.

Mr Calhoun moved to postpone the further consideration of the same until Thursday next, and that it be made the special order for that day; which was carried.

The House then proceeded to the consideration of the bill to amend the charter of the State Bank, and for the better government of the bank of the State of Alabama and its several branches thereof; the bill was then read; Mr Tarrant moved to amend by striking out the word "two" where it occurs in the fifth line of the first section, and insert in lieu thereof the word "one;" Mr Calhoun moved to refer

to a select committee, consisting of two from each judicial circuit; which carried: whereupon messrs Erwin, Porter, Owen, Bates, Phillips, Payne, Finley, Oliver, McLemore, Shields, Slaughter, Coman, Baker, Womack, Wilis of H., McClellan and Smith of D., were appointed said committee. and then the House adjourned until to-morrow morning, 10 o'clock.

Friday, November 24.—House met pursuant to adjournment.

Accounts were presented by messrs Owen, Cane and Godbold; which were read and referred to the committee on accounts.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed a bill, which originated in the House of Representatives, of the following titles: “An act to incorporate the Marion Academy:” they have also passed a bill which originated in the Senate, viz: An act for the relief of Babb, a man of color; in which they ask the concurrence of the House of Representatives.

The bill from the Senate for the relief of Babb, a man of color, was read and ordered to a second reading on to-morrow.

Ordered, that leave of absence be granted to Mr Taylor until Monday next. Mr Booker presented the petition of Barbara Hale, praying the passage of an act giving her the rights and privileges of a free dealer: which was read and referred to the committee on propositions and grievances.

Mr Gann presented the petition of sundry citizens of Marion county, praying the General Assembly to grant to Peter Cauble and his associates, a charter for opening a road therein named; and also a petition of sundry citizens of said county, remonstrating against the same; which were severally read and referred to the committee on roads, bridges and ferries.

Mr Long presented the petition of sundry citizens of Russell county, praying to have established an election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Clough presented the accounts of John McAllister, M. Parke and David one; which were read and referred to the select committee on Indian expenditures.

Mr Toulmin presented the petition of sundry citizens of the county and city of Mobile, praying the passage of an act prohibiting aliens from voting, unless under certain restrictions; which was read and referred to the judiciary committee.

Mr Puckett from the committee on military affairs, to whom was referred the report of the officers of the seventy-ninth regiment of Alabama militia, reported a bill to attach a part of the 74th to the 79th regiment of Alabama militia; which was read and ordered to a second reading on to-morrow.

Mr Wilson from the committee on propositions and grievances, to whom was referred the petition of Henry Blancett, reported a bill for the relief of Henry Blancett; which was read and ordered to a second reading on to-morrow.

Mr Payne from the committee on propositions and grievances, to whom was referred the petitions of the citizens of Huntsville, asked to be discharged from further consideration, and recommend that it be referred to the delegation from the county of Madison; in which report the House concurred, and the reference was made accordingly.

The same committee to whom was referred the petition of Elizabeth Jewell, reported a bill for the relief of Elizabeth Jewell; which was read and ordered to a second reading on to-morrow.

On motion of Mr Calhoun, *Resolved*, That the joint committee on the part of this House to examine the State Bank, be instructed to inquire and report to this house, whether any salary or extra compensation has been allowed or paid to the bank attorney, by said bank, or any of the branches, and what the nature of

any such allowance, and under what authority it has been made; and the committee report by bill or otherwise.

Ordered, that leave of absence be granted to messrs Davis of Bibb and P. until Monday next.

Mr Daniel introduced a bill to incorporate the town of Allenton, in the of Wilcox; which was read and ordered to a second reading on to-morrow.

Mr Simmons of P. introduced a bill to incorporate the Pike Guards; was read and ordered to a second reading on to-morrow.

Mr Coman introduced a bill regulating the fees of jailors in the several ties in this State; which was read and ordered to a second reading on to-morrow.

Mr Long introduced a bill to incorporate the Salem male and female academy in the county of Russell; which was read and ordered to a second reading on to-morrow.

Mr Alston introduced a bill to regulate the sessions of the county courts in Wilcox county; which was read and ordered to a second reading on to-morrow.

On motion of Mr Aldridge, *Resolved*, That a select committee be raised to sit in the chair, whose duty it shall be to draft and report to this House a suitable memorial to the Congress of the United States, on the subject of granting several settlers on the Cherokee lands in this State, pre-emption rights. Upon, messrs Aldridge, Scott of J., McClellan, Cross and Johnson, were appointed said committee.

Mr May offered the following resolution: *Resolved*, That the committee on the State bank be instructed to inquire into the expediency of authorizing the sale of a portion of the capital stock of the bank of the State of Alabama and its several branches, to individuals, provided they be citizens of the State of Alabama; which was rejected.

Mr Aldridge offered the following resolution: *Resolved*, That the joint committee be instructed to inquire into the propriety and expediency of dividing the State into five banking districts; and also into the expediency of electing one bank director from each county in the several respective banking districts, with leave to report by bill or otherwise; on motion of Mr Calhoun, ordered that the resolution lie on the table.

A message was received from his Excellency the Governor, by Mr Good private secretary, viz—Mr Speaker: His Excellency the Governor did, yesterday, the 22d instant, sign and approve bills of the following titles, which originated in the House of Representatives: An act to incorporate the Oakville male academy, in the county of Lawrence; an act to explain an act entitled for the relief of Cassander Kelly; approved, November 24th, 1836; an act to incorporate the town of Fredonia, in the county of Chambers; an act to incorporate the Casetah Academy, in the county of Chambers; an act for the relief of T. C. Russell, Baxter Taylor and James Taylor; and then he withdrew.

On motion of Mr Cane, *Resolved*, That the committee on privileges and elections be instructed to discontinue an election precinct, known by the name of Ray's, and establish one at the house, known by the name of George Taylor, in lieu thereof; and also discontinue one at the house of James Cain, and establish one in lieu thereof at George Taylor's, in the county of Walker.

Mr Toulmin presented the petition of John T. Everett and others, praying to have a company incorporated by the name and style of the Jocky Club; which was read and on motion of Mr Toulmin, ordered, that the petition lie on the table.

Mr Jones of B, introduced a bill to reduce the tax fee of attorneys and sellers at law, which was read and ordered to a second reading on to-morrow.

Mr Toulmin introduced a bill to incorporate the Alabama Lever-Press and Insurance company; which was read and ordered to a second reading on to-morrow.

Mr McClellan from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following title, viz: An act to divorce Campbell McMurty from his wife Nancy McMurty; an act to incorporate the town of Columbiana in the county of Shelby; an act to divorce Sarah Loyd from her husband Benjamin E. Loyd; an act to divorce Polly Finly from her husband Joseph Finly; an act to amend an act to incorporate the town of Tallahassee, approved January 9th, 1835.

On motion of Mr Priest, *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of providing for suits being brought for a collection of bank debts, in the courts of the counties in which the makers of such debts may reside, with leave to report by bill or otherwise.

The House then proceeded to the consideration of the orders of the day.

The resolutions heretofore offered by Mr Porter having been set apart as the special order for this day, they were accordingly taken up. Mr Erwin moved to refer the same to the committee on the State Bank; which was carried.

The engrossed bill to amend the laws now in force in relation to retailers of spirituous liquors, was read and on motion of Mr Carmack, ordered to lie on the table.

The engrossed bill to suppress mal-practice by factors, carriers and other agents, was read the third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to attach Barney Ivy, a citizen of Macon county, to the county of Russell, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill for the protection of the remains of the dead and for other purposes, was read a third time. Mr Burt moved to amend the same by way of an engrossed rider to come in at the end of the last section of the bill, as follows: *Provided*, That this act shall not be so construed as to prevent the examination of any dead subject by the consent of the friend of the same, for the purpose of the advancement of the medical science; which was carried. The bill as amended was then passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to prohibit persons from driving stock of cattle from the State of Mississippi to the county of Fayette and for other purposes, was read a third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

Engrossed bill to divorce Gincy Tidwell from her husband Peter B. Tidwell, was read the third time and passed by a constitutional majority of the House. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to attach the county of Bibb to the third judicial circuit, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to authorise the formation of limited partnerships, was read a third time and passed. Yeas 43, nays 40.

The yeas and nays being desired those who voted in the affirmative, were Messrs. Speaker Alston Dress Ashurt Baker Bates Bestor Brevard Burt Calhoun Cane Cook Cottrell Daniel Erwin Godbold Horton Jones of B. Jones of C. Lee McAlpin McClannahan of S. McCord Morris Oliver Owen Perryman Phillips Porter Priest Puckett Rowles Scott of M. Shields Sullivan Tarrant Toulmin Wessinger Williams of H. Williams of T and Womack.

Those who voted in the negative, are Messrs. Aldridge Beauchamp Blake Booker Boston Brasher Mack Clifton Cobb Cochran Coman Cross Davis of M. Finley Gann Hammond Johnson King Lucas McClannahan of M. McClellan Nelson Primm Rogers Scott of J. Sheffield Simmons of L. Simons of P. Simonton Skinner Slaughter Smith of D. Smith of M. Stephenson Tiffin Vining Williams of P. and Wilson.

Ordered that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill to change the time of holding the circuit courts of the judicial circuit of the State of Alabama, was read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the Senate for concurrence.

The engrossed bill to regulate certain judicial proceedings, was read a time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The engrossed bill for the relief of securities in certain cases, was read a time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The bill for the suppression of vice and immorality, was read the second time and referred to the judiciary committee.

The bill to raise a revenue for the county of Tallapoosa, and for other purposes, was read a second time and referred to the judiciary committee.

The bill to divorce Daniel M. Noble from his wife Elizabeth Noble, was read a second time. Mr Alston moved to amend the same by striking out the word "from" where it occurs in the 9th line of section 1. to insert in lieu thereof, word, "and;" which was carried. The bill as amended was then ordered to be engrossed.

The bill to authorise the judge of the county court and commissioners of roads and revenue of the county of Henry, to lay off and divide said county into sections and districts and for other purposes, was read the second time and referred to the judiciary committee.

The bill to amend the charter of the Linden rail road company, was read the second time and referred to the committee on rail roads.

The bill to repeal an act therein named, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to alter and amend in part an act therein named, was read the second time and referred to the judiciary committee.

The bill supplemental to an act entitled an act to extend the time of indebtedness to the State Bank and its branches, and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to appoint a committee of finance in the counties of Pike and Henry, and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to compensate the commissioners of roads and revenue in the county of Cherokee, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The bill to authorise Polite Collins to inherit certain real estate, was read the second time. Mr Payne moved to amend the same by adding after the word "heirs," where it occurs in the last line of the bill, the following: "Be permitted to sell," which was carried. The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

The bill for the relief of Patience Powell, was read the second time. Burt moved to amend the same by striking out the word "Howell," where it occurs in the bill, and insert "Powell," in lieu thereof; which was carried. The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

The bill to divorce Mary Moniac from her husband Alexander Moniac, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to divorce Mary Weaver from her husband Daniel Weaver, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to authorize Eliza A. Thompson, guardian of Eliza C. Ely, to transfer said guardianship from the orphans court of Madison county to the orphans court of Talladega county, was read the second time and to be engrossed for a third reading on to-morrow.

The bill from the Senate to amend an act entitled an act to incorporate the Florence bridge company, approved; July 12th, 1832, was read the second time and ordered to a third reading on to-morrow.

The bill from the Senate for the relief of the purchasers of the sixteenth section, township one, range ten, west, in the county of Lauderdale, and for other purposes, was read the second time and referred to the committee on education.

The bill from the Senate to change the time of holding the county court of Benton county, was read the second time and ordered to a third reading on to-morrow.

The bill from the Senate to provide for the repairing of the streets and alleys in the town of Jacksonville, was read the second time and ordered to a third reading on to-morrow.

The bill to incorporate the town of Oakville, in the county of Lawrence, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill better to regulate the taxing of pedlars and shows, was read the second time. Mr Aldridge moved to strike out the word "thirty" where it occurs in the third section of the bill; which was carried. Mr Aldridge moved to fill the blank with one hundred; which was lost. Mr Erwin moved to fill the blank with fifty; which was carried. Mr Alston moved to strike out "one hundred" where it occurs in the first section of the bill; which was lost. Yeas 31, Nays 56.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Alston Beauchamp Blake Booker Brevard Clifton Clough Hammond King Lee Jones of B., Lucas Long May McClannahan of M, McClannahan of S McCord Nelson Owen Ross Scott of J, Sheffield Shields Smith of D. Smith of m. Sullivan Tarrant Tiffin Vining Weissinger and Wilson.

Those who voted in the negative, are messrs Speaker Aldridge Address Ashurst Baker Bester Bates Boston Brashire Burt Calhoun Cane Carmack Cobb Cockran Coman Cook Cottrell Cross Daniel Davis of m. Erwin Finley Gann Godbold Gordon Horton Johnson Jones of C. Martin McAlpine McClellan Morris Oliver Payne Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Scott of m. Simmons of L. Simmons of P. Simonton Skinner Slaughter Stephenson Toulmin Warren, Williams of H. Williams of P. Williams of T. and Womack.

Mr Bestor moved to strike out "or menagerie of animals" where they occur in the third section of the bill which was carried. Mr Calhoun moved to amend by way of proviso, to come in at the end of the third section, as follows: "*Provided*, that nothing in this act shall be so construed as to prohibit the exhibition of any menagerie of animals;" which was carried. Mr Smith of m., moved to amend by adding to the first section, the following words: "and shall be paid into the county treasury;" which was carried. Mr Horton moved to amend by an additional section. Mr Calhoun moved to lay the amendment on the table; which was carried. Mr Carmack moved to amend by adding after the word "wagon" where it occurs in the first section, the words "pack horse."

And then the house adjourned till ten o'clock to-morrow.

Saturday, November 25, 1837.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Childress, their assistant secretary: Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles, to wit: An act more particularly defining the number of petit jurors to be drawn for the county of Covington, and for other purposes; an act to repeal an act exempting certain property from levy or sale by virtue of an execution. so far as regards the county of Henry; an act to al-

ter in part the boundary line between the counties of Conecuh and Butler; an act for the support of paupers in the county of Monroe; an act for the relief of the legal representatives of Turner Ivy, deceased; an act to repeal in part several acts and amendments establishing and incorporating the town of St. Stephens and Rodney, in Washington county; an act for the better regulating apportionment of overseers on so much of the Federal Road, as constitutes the boundary line between the counties of Monroe and Conecuh; an act to compensate the commissioners of revenue and roads in Sumter county; and an act to alter and amend the patrol law now in force in the counties of Franklin, De Kalb and Shelby. They have also passed bills which originated in the Senate of the following titles, to wit: An act to amend an act entitled an act to authorize the Sipsey bridge and causeway company to establish a ferry for a limited time; an act to alter the boundaries of certain counties therein named, and for other purposes; an act for the relief of James Seward of Lawrence county; and an act to attach a part of Pike county to Macon. In all of which they ask the concurrence of the House of Representatives.

The bill from the Senate to amend an act entitled an act to authorize the Sipsey bridge and causeway company to establish a ferry for a limited time, approved December 23d, 1836, was read and ordered to a second reading on Monday next.

The bill from the Senate to alter boundaries of certain counties therein named and for other purposes, was read and ordered to a second reading on Monday next.

The bill from the Senate for the relief of James Seward of Lawrence county, was read and ordered to a second reading on Monday next.

The bill from the Senate to attach a part of Pike county to Macon, was read and ordered to a second reading on Monday next.

The following communication was received from His Excellency the Governor by Mr Gooch his private secretary: Mr Speaker: His Excellency the Governor, did on yesterday the 24th instant, approve and sign bills which originated in the House of Representatives of the following titles, to wit: An act to raise a revenue for the county of Covington, and to regulate the compensation allowed to sheriffs and clerks of said county for *ex-officio* services; an act to declare Bottle creek in the county of Conecuh a public highway, for the purpose therein named; an act to authorize the election of an assessor and tax collector for the counties of Lauderdale and Montgomery; an act to remove the seat of justice in the county of Pike and for other purposes; an act to compensate Denis Dent, and Samuel M. Meek, for slaves executed according to law; and, an act to remunerate certain persons therein named, and for other purposes.

A message was received from the Senate by Mr Childress, their assistant secretary, viz: Mr Speaker: The Senate concur in the resolution from the House of Representatives, proposing to go into the election of a judge of the county court for Coosa county, on to-day, (Saturday the 25th instant,) at 12 o'clock; and, a judge of the county court for Fayette county, and a member of the medical board at Livingston, in Sumter county, on Tuesday, the 28th instant.

Mr Speaker laid before the House, a communication from the commissioners of the Tennessee and Muscle Shoals Canal; which was read and referred to the committee on inland navigation.

Mr Stephenson presented the petition of sundry citizens of Lawrence county praying to have a certain election precinct discontinued; which was referred to the committee on privileges and elections.

Mr Bates presented the petition of the President and Directors of the Mobile

Cedar Point rail road company, praying aid in accomplishment of said work; which was read and referred to the committee on rail roads.

Mr Morris presented sundry claims; which were read and referred to the select committee on Indian expenditures.

Mr Porter presented the account of the Sheriff of Monroe county; which was referred to the committee on accounts.

Ordered, that Mr Spencer have leave of absence till Thursday next.

Ordered, that leave of absence be granted to Mr Warren for an indefinite period.

Mr Smith of D., presented the petition of sundry citizens of De Kalb county; which was referred to the select committee raised on the subject embraced in the petition.

Mr Erwin from the judiciary committee to whom was referred the bill to provide for the inspection of cotton in the city of Mobile, reported the same with sundry amendments, as shewn in the report; in which the House concurred. On motion of Mr Erwin, Ordered, that one hundred copies of said bill as amended, be printed for the use of this House.

The same committee to whom was referred the bill to alter and amend judicial proceedings, reported the same back to the House with sundry amendments; in all of which the House concurred. Mr Erwin then moved to amend the same by adding to the commencement of the 2d section preceeding the word "When" the following, to wit: "And be it further enacted that;" which was carried. The bill as amended was then ordered to be engrossed for a third reading on Monday next.

Mr Erwin from the judiciary committee to whom was referred the bill to regulate dowers, reported the same with sundry amendments; the consideration of the subject was then suspended for the present.

On motion of Mr Morris, *Resolved*, That the Senate be now invited to assemble in the Representative hall, to go into the election of a judge of the county court of Coosa county. Ordered, that the clerk acquaint the Senate therewith.

The Senators then proceeded to the hall of the House of Representatives and took their seats. The two Houses then proceeded to the election; Messrs E. Pond and L. M. Stone being in nomination.

Those who voted for Mr Pond are, Mr President, Arnold Crabb Deaveraux Farrer Fleming Frazier Henderson Hill Hudson Moore Musgrove Posey Rather Simmons Spann and Wilson: Representatives, messrs Aldridge Baker Bates Beanchamp Bestor Blake Booker Roston Brazier Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Coman Cook Cross Davis of M. Erwin Finley Gann Gordon Hammond Horton Johnson Jones of B. King Long Lucas Martin McAlpin McClannahan of M. McClellan of S. McClellan McCord Morris Nelson Owen Payne Priest Primm Puckett Rogers Scott of J. Shields Simmons of L. Simmons of P. Simonton Slaughter Skinner Smith of D. Smith of M. Stephenson Tarrant Toulmin Vining Williams of H. Williams of P. Williams of T. Wilson.

Those who voted for Mr Stone are, Messrs Burke Elmore Lee Mays Rains Wallace Watrous: Representatives, Mr Speaker Address Ashurst Calhoun Daniel Godbold Jones of C. Oliver Perryman Phillips Porter Rawls Scott of M. Sheffield Weissinger and Young.

Mr Pond having received a majority of the whole number of votes given, Mr Speaker declared him duly elected judge of the county court of Coosa county for the ensuing term of six years; and then the Senate withdrew.

The House then resumed the consideration of the subject last under consideration. Mr Booker moved to postpone the further consideration of the subject until the first day of August next; which was lost. Yeas 42, nays 45.

Those who voted in the affirmative are, Messrs. Aldridge Address Bates Blake Booker Boston Bra-shier Brevard Calhoun Coman Cook Cottrell Cross Daniel Davis of M. Finley Godbold Hammond Johnson Jones of B. King Lucas Martin McClannahan of m. McClellan McCord Owen Payne Perryman Porter Rogers Ross Scott of J. Simmons of L. Slaughter Smith of D. Smith of m. Stephenson Tiffin Toulmin Williams of T. and Wilson.

Those who voted in the negative are, Messrs. Speaker Alston Ashurst Baker Beauchamp Bestor

Bart Cane Carmack Clough Cobb Cochran De Jarnett, Erwin Gann Gordon Horton Jones of C. Le Long May McAlpin McClannahan of S. Morris Nelson Oliver Phillips Priest Prinn Puckett Raw Scott of M. Sheffield Shields Simmons of P. Simonton Skinner Tarrant Vinning Weissinger Williams of H. Williams of P. Womack and Young.

And then the House adjourned till *Monday morning at ten o'clock.*

Monday, November 27th, 1837.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill from the House of Representatives of the following title, to wit: "An act to amend the law in relation to grand jurors." They have also rejected bills from the House of Representatives of the following titles, to wit: "An act for the relief of George W. Fisher, guardian of Lewis Griffith;" "An act to subject certain person therein named to road duty;" "An act to authorize Washington Keys, administrator of George Keys, deceased to remove certain negroes from this State to the State of Mississippi."

Mr William B. Martin, a member elected from the county of Benton to fill the vacancy occasioned by the death of Colonel John Turner, appeared within the Hall of the House, was qualified, and took his seat.

Mr Cain presented the petition of sundry persons praying the passage of an act authorizing Nathaniel Bowman and his associates to open and turnpike a road therein named; which was read and referred to the committee on roads, bridges and ferries.

Mr Clifton presented the petition of sundry citizens of Cherokee and Benton counties in relation to the county boundaries of said counties, and on the subject of the removal of the seat of justice for said county of Cherokee; which was read and referred to the committee on county boundaries.

Mr Payne presented the petition of sundry citizens of Sumter county praying for relief as therein shown; which was read and referred to the committee on propositions and grievances.

Mr Davis of B. presented the petition of sundry citizens of Bibb county, praying to have the Maplesville Male and Female Academy incorporated; which was read and referred to a select committee consisting of Messrs Davis of B. Parker and Morris.

Mr Williams of T. presented the petition of sundry citizens of Tuscaloosa county on the subject of increasing the fees of constables by allowing them commissions on all they collect; which was read and referred to a select committee composed of the delegation from the county of Tuscaloosa.

Mr Johnson presented the petition of Elender Eaton praying to have emancipated a certain slave therein named; which was read and referred to the judiciary committee.

Mr Payne from the committee on propositions and grievances, to whom was referred the petition of John Coleman, reported a bill for the relief of John Coleman; which was read and ordered to a second reading on to-morrow.

The House then proceeded to the consideration of the bill in relation to dowers. Mr Burt moved to postpone the further consideration of the subject until 12 o'clock on Wednesday next, and that the same be made the special order for that hour; which was carried.

Mr Scott of J. from the committee on ways and means, to whom was referred the bill to amend the laws in relation to the collection of taxes on real estate, reported that it was inexpedient to pass the bill. Mr Carmack moved to disagree to the report; which carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr McClellan from the committee on enrolled bills reported that they had

examined and find correctly enrolled, bills of the following titles, to wit: An act for the better regulating the apportionment of overseers on so much of the Federal road as constitutes the boundary line between the counties of Monroe and Conecuh; an act to repeal an act to exempt certain property from levy or sale by virtue of an execution so far as regards the county of Henry; an act to alter the boundary line in part between the counties of Conecuh and Butler; an act to authorize compensation of commissioners of roads and revenue in certain counties therein named; an act for the support of paupers in the county of Monroe, an act to repeal in part the several acts and amendments establishing and incorporating the town of Rodney and St. Stephens in the county of Washington; an act to incorporate the Clayton Academy; an act for the relief H. ratio G. Harbin and others; an act more particularly to define the number of petit jurors to be drawn for the circuit court of Covington county and for other purposes.

Mr Smith of m. from the committee on the State bank to whom was referred a resolution inquiring into the expediency of amending the 15th section of an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches. Likewise a bill introduced by the member from Sumter, to amend an act approved 30th June, 1837, entitled an act to extend the time of indebtedness to the bank of the State of Alabama and its branches, and legalizing the suspension of specie payments by the same, and for other purposes. And lastly, a memorial from the president and directors of the branch of the bank of the State of Alabama, at Decatur, recommending an extension of the time of payment of the five millions of bonds lately issued under the act of the 30th June, 1837, from two, four and six years, and sell those bonds for eastern funds and placed eastward, would be as valuable as specie. Your committee, in examining those four references, all leading directly to that great and desirable object, the resumption of specie payments, by the bank of the State of Alabama and its several branches, and embracing no other object material to the purposes of Legislation, they have considered them in that view only; and to enable your committee to arrive at the fullest information on the subject by which to direct their deliberations, they deemed it not improper to consult a letter of a recent date from W. R. Hallet, Esq., a gentleman very conversant with our banking operations, to the president of the bank of the State of Alabama, the substance of which I am instructed by the committee to incorporate in the report, which is, that the better to ensure the sale of bonds to increase the capital of your banks, it would be proper that the State should cause all bonds now issued to be cancelled, and pass an act for a loan unencumbered with any conditions or contingencies, made payable in sterling money only, in small sums, to have thirty years to run, with ample powers delegated to the agent authorized to make the sales, to fill up dates, regulate the place of payment, and be empowered to appoint sub-agents, if necessary, to carry the same into effect; upon these data the committee have instructed me to report two bills, one for the purpose of cancelling all the bonds for effecting loans for augmenting your banking capital, which remains unsold; and one with provisions for effecting a loan of five million of dollars in aid of the capital of the bank of the State, and its several branch banks; both of which is respectfully submitted to the consideration of the House. WM. SMITH, *Ch'r.*

The bills reported were then severally read the first time and ordered to a second reading on to-morrow: on motion of Mr Shields, ordered, that the report lie on the table: Ordered, that one hundred and fifty copies of the two bills reported by the committee, together with the bill which had been referred by the committee, and reported back to the House; be printed.

Mr Skinner from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Marion county, praying the passage of a law authorizing Peter Cauble and associates to turnpike a road therein named; and the counter petition on the same subject, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Booker from the select committee, to whom was referred the petition of sundry citizens of Madison county, praying to be attached to Marshall county, reported a bill to change and designate the line between the counties of Marshall and Madison, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Payne from the select committee, to whom was referred the bill to establish a board of commissioners for the improvement of the Tombeckbee river, reported the same back to the House, with sundry amendments; in which the House concurred: the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Smith of M. from the committee on the State Bank, to which was referred the petition of Elizabeth McDuff, of Jackson county, reported that the said Elizabeth McDuff, sets forth in the petition, that she is the widow of Richard R. McDuff, who was one of the twelve month's mounted volunteers that lately marched against the Seminole Indians, and that her husband, Richard R. McDuff, fell a victim to the savage cruelty of those Indians, whilst in the service of his country; she further sets forth, that several years since, one James M. Dorman, as principal, and John M. Dorman and the said Richard R. McDuff, his securities, had a note discounted in the Bank of the State of Alabama for five hundred dollars; that after the said note became due, suit was commenced, judgment was obtained, and execution issued, on which was returned no property found; since when, the said principal in the said note, James M. Dorman, hath departed this life insolvent, and that the other security, John M. Dorman, is also insolvent, and the amount of that judgment, about eight hundred dollars, must fall on the small estate left by her deceased husband, which with other small private debts, would more than consume the whole of that small estate, which does not amount to more than one thousand dollars, and leave her nothing upon which to subsist and educate a helpless family of eight little children; your petitioner then concludes with a prayer to be released from the payment of said bank debt or some part of it. Your committee have bestowed on this petition their best deliberation, and in doing so, have deeply sympathised in that appeal of a widowed mother in behalf of a helpless family of little fatherless children, and under the strongest emotions of kind feelings, excited by the peculiar facts that her husband fell in the battles of his country, whilst defending the helpless women and children on an Indian frontier from the tomahawk and scalping knife of a ferocious savage tribe, whose barbarities knows no limits but a total extermination, and would gladly report favorably to the petitioner, were it not transcending the limits of their constitutional powers, as well as drawing in precedent an example to which they can see no end, were they to recommend a remission of the debt; but under the particular circumstances of this case, your committee respectfully recommend the adoption of the following resolution: *Resolved*, that the sheriff of Jackson county be directed to stay further proceedings on the aforesaid execution against the estate of the said Richard R. McDuff, deceased, for the space of twelve months.

WM. SMITH, Ch'r.

Mr Payne moved to amend the resolution by striking out where they occur, the words "for the space of twelve months," with the view to insert in lieu thereof the following: "Until otherwise directed by the legislature of this State;" which was lost.

Those who voted in the affirmative are, messrs Carmack Clough, Cochran Cross Davis of B. Godbold Johnson King Long Lucas Martin of P. Morris Nelson Parker Payne Porter Prim Rawls Scott of J. Shields Simmons of L. Tarrant Taylor Tiffin Vining Williams of T. and Wilson.

Those who voted in the negative are, messrs Speaker Aldridge Alston Address Ashurst Baker Bates Beauchamp Bestor, Blake Booker Boston Brashier Brevard Burt Calhoun Cane Clifton Cobb Coman Cook Cottrell Davis of M. DeJarnet Finley Gann Gordon Hammond Horton Jones of B. Jones of C Lee Martin of B. May McAlpin McClannahan of M. McClannahan of S. McClellan McCord Oliver Phillips Priest Puckett Rogers Ross Scott of M. Sheffield Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of M. Stephenson Toulmin Weissinger Williams of H. Williams of P. and Womack.

Mr Cottrell moved to lay the report and resolution on the table; which was lost; Mr Payne moved to amend the resolution by amending so as to make them joint resolutions of the General Assembly; Mr Cottrell moved to postpone the further consideration of the subject till Monday next; which lost: the subject was then on motion of Mr Shields, recommitted to a select committee, consisting of Messrs Shields, Finley and Payne.

The House then proceeded to the consideration of the orders of the day.

The bill for the better regulation of trade in the city of Mobile, having been made the special order, was taken up.

Mr Burt moved to amend the same by an additional section number six; which was carried; Mr Bates moved to amend by striking out where they occur in the first section, the words "in the city of Mobile or elsewhere;" Mr Shields moved to postpone the further consideration of the subject till to-morrow 12 o'clock, and that it be made the special order for that hour; which was carried.

Ordered, that Mr Young be added to the select committee on the improvement of the Tombeckbee and other rivers.

And then the House adjourned till to-morrow morning 10 o'clock.

Tuesday, November 28.—House met pursuant to adjournment.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills from the House of Representatives, of the following titles, viz: An act to change the time of convening the General Assembly; an act to amend the law in relation to grand jurors; which was reported on yesterday to the House of Representatives, (without noticing the amendment) which they have amended by striking out the second section; they have postponed the further consideration of the bill to regulate the width of lanes on public roads in the counties of Lawrence, Madison, Jackson, Franklin, Bibb, Pickens, St. Clair and Autauga, until the first day of March next.

Ordered that the House concur in the amendment made by the Senate to the bill to amend the law in relation to grand jurors.

Mr Speaker laid before the House the annual reports from the comptroller and treasurer's office, which were ordered to lie on the table, and two hundred copies thereof ordered to be printed in pamphlet form for the use of the House.

Accounts were presented by messrs Beauchamp and Clough; which were severally read and referred to the select committee on Indian expenditures.

Mr Williams of P. presented the record in the case of the conviction of Ambrose, a slave, for the crime of assault to murder; which was read and referred to a select committee, consisting of messrs Williams of P. Cochran and Martin of P.

Mr Carmack presented the petition of sundry citizens of Lauderdale county, praying the passage of an act incorporating a company for the purpose of constructing a rail road; which was read and referred to the committee on railroads.

Mr Martin of B. presented the petition of Wm. Wilson, praying the right to retail spirits free from the tax therefor; which was read and referred to the committee on propositions and grievances.

Mr McLemore presented the petition of William Moore, praying for relief as

therein shewn; which was read and referred to the committee on propositions and grievances.

Mr Long presented the petition of sundry citizens of Tallapoosa county, praying to be attached to the county of Macon; which was read and referred to the committee on county boundaries.

Mr McLemore presented the petition of sundry citizens of Chambers county, praying for relief as therein shewn; which was read and referred to the committee on roads, bridges and ferries.

Mr Porter presented the account of W. and J. Meek; which was read and referred to the committee on accounts.

Mr Porter presented the petition of sundry citizens of the city of Tuscaloosa, in relation to issuing change bills; which was read and referred to the committee on the State Bank.

Mr Payne from the committee on propositions and grievances, to whom was referred the petition of Elizabeth McQueen, reported a bill for the relief of Elizabeth McQueen; which was read and ordered to a second reading on to-morrow.

Mr McCord from the committee on enrolled bills, reported that they had examined and find correctly enrolled, the following acts, to-wit: An act for the relief of the legal representatives of Turner Ivy, deceased; an act to alter and amend the patrol law now in force in the counties of Franklin, Dale and Shelby.

Mr Cottrell from the judiciary committee, to whom was referred the bill for the suppression of vice and immorality, reported that it is inexpedient to pass the bill; on motion of Mr Cottrell, ordered, that the bill lie on the table.

Mr Phillips from the judiciary committee, to whom was referred the bill to authorize the judge of the county court, and commissioners of roads and revenue of the county of Henry, to lay off and divide said county into school districts, and for other purposes, reported the same and asked to be discharged from the further consideration of the subject. Ordered, that the report lie on the table; on motion of Mr Williams of H. the bill was referred to the committee on education.

Mr Phillips from the committee on the judiciary, to whom was referred the bill to alter and amend in part, an act therein named, reported the same with sundry amendments; in which the House concurred; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Smith of M. from the committee on the State Bank, to whom was referred a resolution to request the President of the State Bank and the Presidents of the several branch banks of the State of Alabama, to furnish them with a correct statement of the total amount of liabilities of all the officers and Directors of the Bank of the State of Alabama and its several branches, including those liabilities incurred and unpaid by persons who at the time of contracting the same were officers or directors of said State Bank or branches, report that they have performed the duty assigned them by requiring their chairman to address letters enclosing copies of said resolution to the President of the State Bank and the several branches thereof, and asking an early answer thereto. WM. SMITH, *Ch'r.* Ordered, that the report lie on the table.

The same committee to whom was referred a resolution to inquire into the expediency of laying off and dividing the State into five bank districts, reported that it was inexpedient to legislate thereon. Ordered, that the report lie on the table.

Mr Payne from the committee on propositions and grievances, to whom was referred the petition of Barbara Hazle, reported a bill for the relief of Barbara Hazle; which was read and ordered to a second reading on to-morrow.

The same committee to whom was referred the petition of Max'l. Arm

strong, reported that it is inexpedient to grant the prayer of the petitioner. Mr Jones of B. moved to lay the report on the table; which was carried.

The same committee to whom was referred the petition of sundry citizens of Baldwin county, asking to have the sheriff fees of said county raised, reported a bill to increase the fees of the sheriff of Baldwin county; which was read and ordered to a second reading on to-morrow.

The same committee to whom was referred the account of John Cowly, jailor of Morgan county, reported the same back as not having been properly authenticated, and asked to be discharged from the further consideration of the subject; in which the House concurred.

Mr McClellan from the select committee to whom was referred the bill to establish a board of commissioners for the improvement of the navigation of the Coosa river, reported the same back to the House with sundry amendments; in all of which the House concurred. Mr Smith of M. moved to postpone the further consideration of the subject until Friday, 12 o'clock, and that the same be made the special order for that time; which was carried.. Ordered, that one hundred copies of the bill as amended, be printed for the use of this House.

The following message was received from his Excellency, the Governor, by Mr Gooch, his private secretary:

Executive Department, November 27, 1837.

Gentlemen of the Senate and House of Representatives: I have the honor to inform you that the office of judge of the county court of Tallapoosa county, has become vacant by the resignation of the honorable Henry Thompson.

Signed A. P. BAGBY.

Executive Department, November 27, 1837.

To the General Assembly of the State of Alabama: Gentlemen—I have the honor to lay before you the report of Henry L. Martin, Esq. the commissioner appointed under an act of the Legislature of the 22d December, 1835, authorising the Governor of the State to appoint a commissioner to receive, examine audit and settle all claims against the State, growing out of the late Indian hostilities. I beg leave to state that the commissioner has also deposited in this office a book, in which are recorded the claims settled by him in conformity with the provisions of the above recited act.

Signed

A. P. BAGBY.

Mr DeJarnett from the select committee on Indian expenditures, to whom was referred the accounts of William W. Love, Nathan Parker, Ellis Bryant, Powers & Suvery, G. C. Moore, W. P. Merriwether and John McAllester, reported that it is inexpedient to allow the same. Mr Long moved to lay the report and accounts on the table; which was carried.

The same committee to whom was referred the accounts of Duncan C. Douglass, and others; reported a bill to provide for the payment of certain persons therein named; which was read and ordered to a second reading on to-morrow.

Mr Calhoun introduced a bill to provide for taking the census of the year 1838, which was read and made the special order of the day for to-morrow.

Mr Payne introduced a bill to correct the impositions of bank agents; which was read and ordered to a second reading on to-morrow.

Mr Payne introduced a bill to incorporate the Gainesville female academy; which was read and ordered to a second reading on to-morrow.

On motion of Mr Bates, *Resolved*, that W. Jefferson Jones, editor of the Mobile Morning Chronicle, be permitted to take a seat within the bar of this House.

Mr Womack introduced a bill to incorporate the Farmers' academy; which was read and ordered to a second reading on to-morrow.

Mr Jones of B. offered the following resolution: *Resolved*, That to the end that justice shall be rendered to every member of this House, whose speeches are taken down and sent abroad by reporters, honored with a seat within the bar, that hereafter, no members own report of his speech, shall be published among the reports, (as the reports of this House,) unless he, the said member, sign his own name to his, the said report. *Resolved*, That a violation of the above res-

lution by any reporter, shall exclude him from a further seat within the bar of this House, until otherwise ordered by the House. *Mr Lee* moved to lay the resolution on the table; which was carried. Yeas 58, nays 28.

The yeas and nays being desired those who voted in the affirmative, are messrs Speaker Aldridge Address Ashurst Baker Bates Beauchamp Bestor Blake Brevard Burt Calhoun Cobb Coman Cook Daniel Davis of B. Finley Godbold High Horton Johnson Jones of C. King Lee Long Lucas Martin B. May McAlpin McClannahan of M. McClannahan of S. McClellan McCord McLemore Oliver Owen Parker Payne Phillips Porter Priest Puckett Rawls Ross Scott of m. Simonton Smith of D. Stephenson Tarrant Vining Williams of H. Williams of T. and Womack.

Those who voted in the negative, are messrs. Booker Boston Brashier Cane Carmack Clifton Cochran Cross Davis of M. DeJarnett Gann Gordon Hammond Jones of B. Martin of P. Nelson Periman Scott of J. Sheffield Simmons of L. Simmons of P. Slaughter Smith of M. Taylor Tiffin Williams P. and Wilson.

Mr Payne introduced a bill to incorporate the Gainesville male academy; which was read and ordered to a second reading on to-morrow.

Mr Womack called up the resolutions from the Senate, proposing to go into the election of a solicitor for the fourth judicial circuit, on the 17th inst. *Mr Womack* moved to strike out "17th Nov." and to insert in lieu thereof "28th Nov." which was carried. The resolution as amended was then concurred in by the House. Ordered, that the clerk acquaint the Senate therewith.

Mr Martin introduced a bill to incorporate the Bridgeville male and female academy; which was read and ordered to a second reading on to-morrow.

Mr Bates introduced a bill for the relief of the legal representatives of George W. Owen, late of Mobile county, deceased; which was read and ordered to a second reading on to-morrow.

Mr Payne introduced a bill to amend and enlarge an act to incorporate the town of Gainesville, in the county of Sumter, approved January 10th, 1833 which was read and ordered to a second reading on to-morrow.

Mr Payne introduced a bill to incorporate the first Presbyterian church in Gainesville; which was read and ordered to a second reading on to-morrow.

On motion of *Mr Taylor*, *Resolved*; that the Senate be informed that the House is now ready to receive them for the purpose of going into the election of a judge of the county court of Fayette county, and also a member of the medical board at Livingston.

Ordered, that *Mr Payne* be discharged from serving on the committee on propositions and grievances.

Ordered, that *Mr Prim* have leave of absence for an indefinite period.

Ordered, that *Mr Martin* of B. be added to the committee on county boundaries.

Mr Carmack called up the bill to amend the laws now in force in relation to retailers of spirituous liquors. The bill was then placed among the orders of the day.

A message was received from the Senate by *Mr Connor*, their secretary—*Mr Speaker*: The Senate concur in the amendment made by the House to their resolution proposing to go into the election of a solicitor for the fourth judicial circuit.

Mr May who voted in the majority on the adoption of the resolutions offered by *Mr Taylor*, moved to reconsider said vote; which was carried. *Mr May* then moved to amend the same by adding to the end of the resolution, the following "And also a solicitor for the fourth judicial circuit;" which was carried. The resolution as amended, was then adopted. Ordered, that the clerk acquaint the Senate therewith.

The Senate then repaired to the Hall of the House of Representatives and took their seats. The Houses then proceeded to the election of a judge of the county court of Fayette county. Walter Harkins alone being in nomination, was de-

clared by Mr Speaker, duly and constitutionally elected judge of the county court of Fayette county.

The two Houses then proceeded to the election of a member of the medical board at Livingston. Alexander M. Garber alone being in nomination, was declared, by Mr Speaker, duly and constitutionally elected a member of the medical board at Livingston.

The two Houses then proceeded to the election of a solicitor for the fourth judicial circuit; George S. Houston and William H. Richardson being in nomination.

Those who voted for Mr Houston are, messrs President Arnold Farrar Frazier Goyne Henderson Hill Moore Musgrove Posey Smith Sprun Terry and Wilson of the Senate. Messrs Aldridge Baker Beauchamp Blake Booker Boston Brainerd Cane Carmack Clifton Cobb Cochran Cross Davis of B. DeJarnett Finley Gann Godbold Gordon Hammond High Horton Lee King Lucas Martin of B. May McClanahan of M. McClanahan of S. Morris Nelson Owen Parker Payne Rawls Rogers Scott of J. Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Smith of D. Smith of M. Taylor Tiffin Toulmin Vining Williams of P. Wilson and Womack of the House of Representatives.

Those who voted for Mr Richardson, are, messrs. Burke Crabb Devcreaux Elmore Fleming Hudson Lea Mays Rains Rather Roberts Simmons Wallace Watrous and Wellborn of the Senate. Messrs Speaker Alston Andress Ashust Bates Bestor Brevard Burt Calhoun Clough Coman Cook Cottrell; Daniel Davis of M Greening Johnson Jones of B. Jones of C. Long martin of P. McAlpin McClellan McCord McLemore Oliver Perryman Phillips-Porter Priest Puckett Ross Scott of M. Slaughter Stephenson Tarrant Weissinger Williams of H. Williams of T. and Young of the House of Representatives.

Mr Houston having received sixty-six votes, that being a majority of the whole number given, Mr Speaker declared him duly and constitutionally elected solicitor of the fourth judicial circuit. The Senate then withdrew.

Mr Phillips from the judiciary committee, to whom was referred the bill to alter and amend in part an act therein nained, reported the same with sundry amendments; in which the House concurred. The bill was then ordered to be engrossed for a third reading on to-morrow.

The House then proceeded to the consideration af the orders of the day; and resumed the consideration of the bill for the better regulation of trade in the city of Mobile. The question being upon Mr Bates' motion to strike out where they occur in the first section of the bill, the words "in the city of Mobile or elsewhere;" and then the House adjourned until to-morrow morning 10 o'clock.

Wednesday, November 29.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have rejected the bill from the House of Representatives, entitled an act for the relief of Seaborn B. Gray, administrator of Cynthia Mangham, deceased, late of Chambers county.

Ordered, that leave of absenee be granted to Mr Rather, the messenger of this House, for the remainder of the day.

The House called up the message from his Excellency, the Governor, communicating to the House the report of the commissioner appointed under the act of the General Assembly, to investigate the claims arising out of the late Creek campaign. Ordered, that the message lie on the table. Ordered, that the documents accompanying the message, lie on the table.

Mr Speaker laid before the House the report of a majority of the commissioners appointed to examine into the affairs and condition of the bank of the State of Alabama at Mobile; which was read and ordered to lie on the table, and one thousand copies thereof ordered to be printed in connection with the other reports, in pamphlet form.

A message was received from his Excellency, the Governor, br Mr Gooch, his private secretary:

Executive Department, November 28, 1837.

Hon. JAMES McCLUNG, Speaker of the House of Representatives:

SIR:—I have the honor to lay before the House of Representatives, the report of the Hon. A. S. Lipscomb and John H. Jones, Esquires, two of the commissioners appointed to examine into the condition of the Bank at Mobile, with the accompanying documents.

I have the honor to be, Sir, your most obedient servant,

A. P. BAGBY.

Ordered, that the message received, lie on the table. Ordered, that one thousand copes of the report mentioned in said message and accompanying the same, be printed in pamphlet form together, and in connection with the report heretofore made.

Mr Booker presented the petition of William Smith, praying to have the corporate limits of the town of Huntsville, so contracted as to exclude him from the said corporation; which was

read and referred to a select committee, composed of the delegation from the county of Madison. Mr Carmack presented the petition of sundry persons praying the passage of a law incorporating a rail road company; which was read and referred to the committee on rail roads.

Mr Payne presented the petition of sundry citizens of Gainesville, praying the passage of an act incorporating said town; which was read, and on motion of Mr Payne, ordered that the petition lie on the table.

Accounts were presented by messrs. McClannahan of M: Cane, Williams of T. and Finley which were severally read and referred to the committee on accounts. Accounts were also presented by Messrs. Martin of B. and Gordon, which were severally read and referred to the committee on Indian expenditures.

Mr Greening presented the petition of sundry citizens of Dallas county, praying to have a company beat established in said county; which was read and referred to a select committee composed of the delegation from Dallas county.

Mr Porter from the committee on privileges and elections, to whom was referred sundry petitions and resolutions upon the subject of discontinuing and establishing certain election precincts, reported a bill to discontinue and establish certain election precincts; which was read and ordered to a second reading on to-morrow.

Mr Smith of m. from the select committee, to whom was referred the petition of John Lawler praying to be released from building a lock in his mill dam, across Flint river, and in lieu thereof to construct a slope for facilitating the navigation, report that the prayer of the petitioner is not to be granted; in which report the House concurred.

Mr Smith of m. from the select committee, to whom was referred the petition of sundry citizens of Jackson and Madison counties, representing that John Lawler had progressed in construction of a mill dam on Flint river, at Brownsboro, under the authority of an act of the General Assembly, and although the said dam had not reached its intended height, the water thrown back so as to render the public ford at that point dangerous to travellers in crossing same, and when raised to the authorised height, will totally obstruct the public highway, also that it has already produced serious injury to Maj. Taylor, by flowing back the river upon his spring, and further that the opinion of medical men was, that it would prove to be a cause of great sickness in its vicinity, and have therefore prayed a repeal of the above alluded to act, requesting that the petitioners have ample means of redress by indictment in the proper court, against said John Lawler, for a public nuisance, and Maj. Taylor has his remedy by an action at law for any damages he may sustain, either in his health or the overflowing of his spring, and may maintain his action until the nuisance is removed. They therefore asked to be discharged from their further consideration of the subject. The report was concurred in, and the committee discharged accordingly.

Mr Williams of P. from the select committee, to whom was referred the record of conviction in the case of the State, vs. Ambrose, a slave, reported a bill to compensate Percival Hall for a slave executed according to law, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Sheffield from the committee on propositions and grievances, to whom was referred petition of sundry citizens of Lauderdale county, asking for the restoration of Thomas Webb to the rights of citizenship, reported a bill for the relief of Thomas W. Webb; which was read and ordered to a second reading on to-morrow.

Mr Beauchamp from the select committee to whom was referred the bill to appoint an additional surveyor in the county of Barbour, reported the same with sundry amendments; in which the House concurred. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Williams of T. from the select committee, to whom was referred the petition of sundry citizens of Tuscaloosa county, reported a bill to allow additional compensation to constables collecting money on executions in the county of Tuscaloosa; which was read and ordered to a second reading on to-morrow.

Mr Finley introduced a bill for the support of paupers in the county of Jackson; which was read and ordered to a second reading on to-morrow.

Mr Philips introduced a bill more effectually to provide for discoveries in suits at common law, which was read and ordered to a second reading on to-morrow.

Mr Williams of H. introduced a bill to alter and fix the time of holding the circuit courts of the sixth judicial circuit of this State; which was read and ordered to a second reading on to-morrow.

Mr Johnson introduced a bill to compensate John Starnes of Marshall county, for public services therein named; which was read and ordered to a second reading on to-morrow.

Mr Williams of T. introduced joint resolutions requesting our Senators and Representatives in Congress, to have a pension agency established at Tuscaloosa; which was read and ordered to a second reading on to-morrow.

Mr Godbold introduced a bill to raise a revenue for Baldwin county; which was read and ordered to a second reading on to-morrow.

Mr Bestor introduced a bill for the benefit of the University of this State; which was read ordered to a second reading on to-morrow.

In motion of Mr Young, *Resolved*, That with the concurrence of the Senate, the two Houses assemble in the Representative Hall, on Thursday, November 30, at 12 o'clock, noon, for the purpose of electing a judge of the county court of Tallapoosa county.

On motion of Mr Booker, *Resolved*, that whereas it is not uncommon for the sheriffs of some of the counties in this State, to fail and neglect to make returns of some of the elections, as they are now required by law to do, the injury whereof might be incalculable: *Therefore be it resolved*, that the Speaker of this House be requested to furnish the proper officers of this State, with a list of the defaulting officers in the last election for Governor of this State.

Mr Albridge offered the following resolution, *Resolved*, That this House will hold evening sessions after this day, for the purpose of disposing of the orders of the day; which resolution lies over one day for the consideration of the House.

Mr McAlpin introduced a bill authorising the administrators on the estate of John S. Gray, deceased, to vest the nett proceeds of said estate in personal property and for other purposes; which was read and ordered to a second reading on to-morrow.

On motion of Mr McAlpin, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of requiring the judges of the county courts of this State, to live at or within two miles of the court house within their respective counties, and report by bill or otherwise.

On motion of Mr Porter, *Resolved*, That the committee on the State Bank be instructed to inquire into the causes which have induced the Decatur bank to refuse to receive damages on bills drawn by citizens of this State upon New York, the debts of which have been proposed to be extended, a practice which the other banks have usually adopted, and that they be further instructed to report a bill to obviate any distinction upon this subject.

Mr Young introduced a bill to establish an additional election precinct in the county of Tallapoosa; which was read and ordered to a second reading on to-morrow.

Mr Clough introduced a bill to incorporate the town of Franklin, in the county of Macon; which was read and ordered to a second reading on to-morrow.

Mr Payne offered the following resolution: *Resolved*, That the committee on State printing, be and they are hereby instructed to cause to be printed for the use of this House, one thousand copies of all the reports of the commissioners appointed to examine the Bank of the State of Alabama and all the branches thereof; and also all reports made by the said Bank and the different branches thereof; and also the reports of the commissioners appointed to examine the bank at Mobile and the report of the bank at Mobile; and that all the said reports be printed in connection and in pamphlet form. Mr Preist moved to amend by inserting after the word "printed," the words "as near as practicable;" which was lost. The resolution was then adopted.

Mr May asked leave to be excused from serving any longer on the joint committee on printing of the bank accounts; which was refused.

Mr Owen who voted with the majority on the adoption of the above resolution, moved to reconsider said vote; which was lost.

On motion of Mr Smith of M. *Resolved*, that the committee on the public printing, be instructed to employ another printer to aid in printing the reports of the commissioners appointed by the Governor to examine the State Bank and its several branches.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the bill for the better regulation of trade in the city of Mobile. The question being to strike out "in the city of Mobile or elsewhere," where it occurs in the first section of the bill. Mr Porter moved to amend the same by striking out all after the enacting clause, with the view to insert a substitute, containing; and the House adjourned until to-morrow morning 10 o'clock.

Thursday, November 30 —The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the President of the University, informing the House that the annual commencement of the University, would take place on Wednesday next, December the 6th, the exercises to commence at 10 o'clock, A. M. Ordered, that the same lie on the table.

Mr Speaker presented a petition from sundry citizens of Mobile, including all the members of the bar residing in said city, praying an increase in the number of courts in said city, and other relief as shewn in the petition; which was read and referred to the judiciary committee.

Mr McClannahan of S. presented the petition of sundry citizens of Shelby county, praying the passage of an act authorising James Bullock to erect a mill on Coosa river in the county of Shelby, which was read and referred to the committee on propositions and grievances.

Mr Oliver presented the petition of sundry citizens of Montgomery county, praying to estab-

lish and discontinue certain election precincts therein named; which was read and referred to committee on privileges and elections.

Mr Toulmin presented the memorial of the Alabama Life Insurance and Trust company, praying for relief as therein shewn; which was read and referred to the judiciary committee.

Mr Smith of D. presented the affidavit of sundry persons, preferring charges against Thomas A. Walker, solicitor of the ninth judicial circuit, with the view of an impeachment of the same; which was read and referred to a select committee, composed of the representatives from the ninth judicial circuit.

Mr Smith of m. presented the petition of John L. Whitman and Vine A. Whitman, married, praying to be divorced from each other. On motion of Mr Smith of m. ordered that the petition lie on the table.

Accounts were presented by messrs Taylor and Puckett; which were severally read and referred to the committee on accounts.

Mr Booker presented the petition of sundry citizens of Madison county, praying the passage of an act appointing commissioners to contract for the building of a bridge across Flint river said county; which was read and referred to a select committee, composed of the delegates from Madison county.

Mr DeJarnett presented the accounts of James Taber; which was read and referred to the select committee on Indian expenditures.

Mr Toulmin presented the petition of sundry citizens of Mobile county, praying the passage of an act dividing off said county into school districts; which was read and referred to the committee on education.

Mr Phillips from the judiciary committee, to whom was referred the petition of Elender, et al, praying to have emancipated a certain slave called Jacob, reported that it was inexpedient to legislate on the subject; in which report the House concurred.

The same committee to whom was referred the resolution of inquiry into the expediency of repealing the law requiring an assessment and collection of two dollars taxed in the bill of costs on suits, for defraying county expenses, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Burt from the committee on enrolled bills, reported that they had examined and find correctly enrolled, bills of the following titles, to-wit: An act to change the time of convening General Assembly, and an act to amend the law in relation to grand jurors.

Mr Coman from the committee on rail roads, to whom was referred a bill to amend the charter of Lindel rail road company, reported the same with an amendment; in which the House concurred; the bill as amended, was then ordered to be engrossed for a third reading on to-morrow.

Mr McClannahan of S. from the select committee, to whom was referred the bill to regulate in part the payment of tax in the county of Shelby, reported that it was inexpedient to pass the bill; ordered, that the report and bill lie on the table.

Mr Phillips from the select committee to whom was referred the resolution of inquiry into the expediency of removing part of the capital stock of the branch of the bank of Alabama at Mobile to some suitable point on the Alabama river; reported that it was inexpedient to legislate on the subject; ordered, that the report lie on the table.

Mr Clifton introduced a bill to incorporate the town of Jefferson, in the county of Cherokee, which was read and ordered to a second reading on to-morrow.

Mr Bates called up from the orders of the day, the bill to increase the jurisdiction of the circuit court of Mobile county; the bill was then read the second time and referred to the judiciary committee.

Mr Finley introduced a bill for the relief of Isaac Smith, a free man of color; which was read and ordered to a second reading on to-morrow.

Mr Long introduced a bill to add a part of the county of Macon to the county of Russell; for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Carmack introduced a bill to amend an act to incorporate the Florence and Waterloo road company; which was read and ordered to a second reading on to-morrow.

Mr Williams of T. introduced a bill to provide for the printing in pamphlet form the reports made on the Bank of the State of Alabama, and the several branches thereof, and the annual reports of the Treasurer and Comptroller of the State; which was read and ordered to a second reading on to-morrow.

Mr Martin of B. introduced a bill extending the right of appeal in certain cases therein named, which was read and ordered to a second reading on to-morrow.

On motion of Mr Martin of B., whereas, many creditors have of late sustained great and serious losses for want of some active and efficient remedy against their designing debtors, and whereas, by the slow process of our courts of law in enforcing the collection of debts due by

exchange, writings obligatory, promissory notes and accounts, opportunity is afforded the said debtors to place their property and effects beyond the reach of execution before judgment can be obtained: *Therefore, resolved*, that the judiciary committee be instructed to inquire into the expediency of giving to the chancery courts of this State, concurrent jurisdiction with the law to the end that injunctions *ne exeat* and garnashees may be granted, and issue and discoveries made on such terms as the chancellor granting the same may require, and that they report by bill or otherwise.

Ordered, that messrs McClannahan of S. and Phillips, be added to the select committee, to whom was referred the memorial from the citizens of Wetumpka, in relation to the location of a bank at that place.

Ordered, that Mr Jones of B. be added to the committee on propositions and grievances.

Ordered, that Mr Martin of B. be added to the judiciary committee.

Mr Scott of E. introduced a bill for the relief of Justus Wyman and others; which was read and ordered to a second reading on to-morrow.

Mr McLemore introduced a bill to incorporate the Oak Bowry Academy; which was read and ordered to a second reading on to-morrow.

Mr Carmack presented the petition of sundry citizens of Lauderdale county, praying to have all or part of the capital stock of the branch of the Bank of the State of Alabama at Decatur, located in the town of Florence; which was read and referred to the committee on the State Bank.

Ordered, that leave of absence be granted to Mr Williams of P. until Monday next.

Mr Cottrell introduced a bill prescribing the counties in which the presidents and directors of the Bank of the State of Alabama, and the several branches thereof, shall reside; and for other purposes; which was read; Mr Williams of H. moved to postpone the further consideration of the same till the first Monday in August next; which was lost.

The yeas and nays being desired those who voted in the affirmative, are messrs Aldridge Alston Bates Boston Brashier Coman Cochran Daniel Davis of B. DeJarnett Gann Godbold Gordon High Horton Long Martin of P. May Oliver Parker Priest Prim Puckett Rogers Scott of M. Sheffield Simmons of L. Simonton Stephenson Tarrant Tiffin Vining Williams of H. and Williams of T.

Those who voted in the negative, are messrs Speaker Aldridge Andress Ashurst Baker Beauchamp Bestor Blake Booker Brevard Burt Carmack Clifton Cobb Cook Cottrell Cross Davis of M. Finley Greening Hammond Johnson Jones of B. Jones of C. King Lee Martin of B. McAlpin McClannahan of M. McClannahan of S. McClellan McCord McLemore Morris Nelson Payne Perryman Phillips Porter Ross Scott of J. Shields Simmons of P. Skinner Slaughter Smith of D. Taylor Toulmin Wilson and Womack.

The bill was then ordered to a second reading on to-morrow.

Mr Speaker read to the House a communication directed to him in his official capacity, from the Cashier of the Bank of the State of Alabama, certifying all the circumstances in relation to the President of said bank, having drawn a certain amount of specie from said bank on the 16th May last: On motion of Mr Shields, ordered, that the communication from the Cashier of the Bank of the State of Alabama, just received, be referred to the select joint committee, appointed to investigate the condition of said bank, and other matters connected therewith, with instructions to examine into the subject at issue between the said officer and the president of said bank; and also to have one hundred copies of the same printed for the use of the House.

Mr Toulmin introduced a bill to alter and amend the charter of the Alabama life insurance and trust company; which was read: Mr Bates moved that the same be made the special order for a second reading on to-morrow, which was lost; the bill was then ordered to a second reading on to-morrow.

Mr Aldridge called up the resolution offered by him on yesterday, requiring that the House will have evening sessions after this day, for the purpose of disposing of the orders of the day; Mr Carmack moved to amend the same by striking out all after the word "resolved," and inserting in lieu thereof the following: "that this House will convene at nine o'clock, A. M. and hold afternoon sessions, commencing at three o'clock, P. M. for the purpose of disposing of the orders of the day after Saturday next, which was carried.

Those who voted in the affirmative are, messrs Speaker Aldridge Alston Andress Baker Bates Beauchamp Blake Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cook Cottrell Cross Daniel Davis of D. Finley Gann Goldbold Greening Gordon Hammond Johnson Jones of B. Jones of C. King Long Martin of B. Martin of P. May McAlpin McClannahan of M. McClannahan of S. McClellan McCord McLemore Nelson Oliver Parker Perryman Phillips Prim Puckett Rogers Ross Scott of M. Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of M. Stephenson Tarrant Taylor Tiffin Toulmin Vining Williams of H. Williams of T. and Young.

Those who voted in the negative are, messrs Ashurst Bestor Booker Cochran Davis of M. DeJarnett High Horton Lee Payne Porter Priest Scott of J. Simonton Wilson and Womack.

The resolution as amended was then adopted.

Mr Bates from the committee on military affairs, to whom was referred the report of the commissioners appointed by the Executive pursuant to an act of the legislature to revise, amend and digest the militia laws of this State, reported that the committee, after a full and critical exami-

nation of the system of militia laws, proposed by the said commissioners, are satisfied that receiving the amendments suggested herein by the committee, it should receive the sanction of the General Assembly; they then reported sundry amendments; ordered, that the amendments proposed by the committee lie on the table.

Mr Bates then introduced joint resolutions to adopt and provide for printing and distributing the system of militia laws prepared by Generals Crabb and Bradford, and for other purposes which was read and ordered to a second reading on to-morrow.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the bill "for the better regulation of trade in the city of Mobile; Mr Porter's motion to strike out all after the enacting clause, with the view to insert a substitute, being under consideration; Mr Nelson moved to postpone the further consideration of the bill and all the amendments offered until the first Monday in August next.

A message was received from the Senate by Mr Childress, their assistant secretary, as follows:—Mr Speaker: The Senate have passed a bill to be entitled "an act to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road; in which they agree by concurrence of the House of Representatives.

And then the House adjourned until to-morrow morning 10 o'clock.

Friday, December 1.—House met pursuant to adjournment.

Mr Speaker laid before the House the record of the circuit court of Chambers county, exercising chancery jurisdiction, containing the decree of said court in the case of Harriet Hill John Hill, divorcing the said Harriet from the said John; which was read and referred to a committee on divorce and alimony.

Mr Speaker laid before the House a communication from William Garrett, in behalf of a numerous collection of citizens of Cherokee county; which was read and referred to the committee on Indian affairs.

Mr Lee offered the following resolutions, which was unanimously adopted:

Resolved, That in testimony of the respect entertained by this House for the memory of the honorable Dunklin Sullivan, member from Perry county, now deceased; the members will wear a black crape upon the left arm for the space of thirty days.

Resolved, That the door-keeper be instructed to provide suitable scarfs for each of the members of this body to attend his interment.

Resolved, That a committee of five be appointed to arrange the procession, and superintend his funeral ceremonies.

Resolved, That the House adjourn until to-morrow morning, 10 o'clock.

Resolved, That a copy of these resolutions be forwarded to his family by the Clerk of the House.

And then the House adjourned accordingly.

Saturday, December 2.—House met pursuant to adjournment.

The bill from the Senate communicated in their message of Thursday last, to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road; was read and ordered to a second reading on Monday next.

Mr Erwin presented the petition of sundry citizens of Greene county, relative to the location of the State road leading from Tuscaloosa via Foster's ferry, Clinton, Gainesville, which was read and referred to a select committee, composed of messrs Erwin, Payne and Pettin of P.

Mr Coman presented the petition of certain citizens of the county of Limestone, praying for the passage of a law (if it can be done in accordance with the principles of the constitution and justice) postponing the collection of all debts, where specie is demanded, until the banks receive specie payments; which was read and referred to the committee on the State banks.

Accounts were presented by messrs Porter and Skinner; which were read and referred to the committee on accounts.

Mr Clifton presented the petition of sundry citizens of Cherokee county, praying the establishment of four election precincts in said county of Cherokee; which was read and referred to the committee on privileges and elections.

Mr Smith of D. presented the petition of sundry citizens of DeKalb county, praying that a charter may be granted to Seaborn B. Watts and his associates, to turnpike a road thereon; which was read and referred to the committee on roads, bridges and ferries.

Mr Payne presented the petition of sundry citizens of Sumter county, praying that the town of Warsaw, in said county, may be incorporated; on motion of Mr Payne, ordered that the petition lie on the table.

Mr Bates presented the petition of a large number of mechanics in the city of Mobile, praying the General Assembly to charter a bank to be called the Mechanic's Bank; which was read and on motion of Mr Bates, referred to a select committee, composed of the delegation from the first judicial circuit.

Mr Skinner from the committee on roads, bridges and ferries, to whom was referred the petition of Nathaniel Barnum, praying the passage of a law authorizing said Bynum to turnpike a road in the county of Walker, reported a bill to authorise Nathaniel Barnum and his associates, turnpike a certain road therein named; which was read and ordered to a second reading on Monday next.

Mr Owen from the committee on county boundaries, to which was referred the petition of Allen Lee and others, citizens of Wilcox county, praying to be attached to Lowndes county, reported that it is inexpedient to legislate on the subject; on motion of Mr Cottrell, ordered that the report lie on the table.

The same committee to which was referred the petition of several citizens of Monroe county, praying to be attached to the county of Wilcox, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

Mr Smith of M. from the committee on the State bank, to which was referred a resolution to inquire into the propriety of providing for suits being brought for the collection of bank debts in the courts of the counties in which the makers of said notes reside, reported that the committee deem it inexpedient to legislate on the subject; Mr Morris moved to lay the report on the table; which was carried.

The same committee to which was referred a memorial of the citizens of Tuscaloosa, representing the necessity of a circulating medium, below the denomination of one dollar, and therefore they had adopted an expedient of depositing in the State bank, and checking in sums of six and a quarter, twelve and a half, twenty-five, fifty and seventy-five cents, for the purpose of change, and praying the legislature either to sanction their issues or provide a smaller circulation than one dollar, reported that the committee consider the course pursued by the memorialists, an evasion of a salutary law, and ought not to be sanctioned by legislative authority, and asked to be discharged from the further consideration of the memorial; Mr Porter moved to lay the report on the table; which was carried.

Mr Greening from the committee on accounts, to whom were referred the account of A. J. Stephens, deputy sheriff of Samter county, the account of Wm. Smith, sheriff of Washington county, and the accounts of Joseph Rutherford, deputy sheriff of Walker county, reported the same back to the House, as not being sufficiently authenticated, and asked to be discharged from their further consideration; Mr Owen moved to lay the report on the table; which was carried.

The same committee, to whom was referred the account of C. H. Hudson, sheriff of Walker county for making election returns of militia officers, the account of Aaron Smith of Washington county, and the account of Robert Austen of Fayette county, reported the same back to the House, as not being charges against the State, and ought not to be allowed; and asked to be discharged from their further consideration; Mr Taylor moved to lay the report on the table; which was carried.

Mr Owen from the committee on county boundaries, to which was referred a bill to be entitled an act to attach a part of Benton county to Cherokee county, and several petitions for, and remonstrances against such annexation, reported that it is inexpedient to legislate on the subject; Mr Cobb moved to lay the report on the table; which was carried.

The bill to attach a part of Benton county to Cherokee county; was then read a second time; Mr Martin of B. moved to postpone the further consideration of the same, till the first Monday in August next; which was carried.

Mr Davis of B. from the select committee, to whom was referred the petition of the citizens of Maplesville Academy incorporated, reported a bill to incorporate the trustees of the Maplesville Academy; which was read and ordered to a second reading on Monday next.

Mr Booker from the select committee to whom was referred the petition of sundry citizens of Madison county, praying the appointment of commissioners to contract for and superintend the building of bridge across Flint river, in the county of Madison, and for other purposes, reported a bill to appoint commissioners to contract for and superintend the building of a bridge across Flint river; in Madison county; which was read and ordered to a second reading on Monday next.

A message was received from the Senate by Mr Childress, then assistant secretary—Mr Speaker: The Senate have passed a bill entitled an act to incorporate the town of West Wetumpka; and repeal an act entitled an act to incorporate the town of Wetumpka: Approved, January 8th, 1834; in which they ask the concurrence of the House of Representatives. They concur in the resolution from the House of Representatives, to go into the election of a judge of the county court of Tallapoosa county, on Thursday, 30th Novembhr, at 12 o'clock, and have amended the same, by saying Saturday, the second of December next; in which they ask the concurrence of the House.

The amendment made by the Senate to the resolution of the House, proposing to go into the

election of a judge of the county court for the county of Tallapoosa, was then concurred in the House: Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to incorporate the town of West Wetumpka, and repeal an act, titled an act to incorporate the town of Wetumpka, approved January 8th, 1834; was read ordered to a second reading on Monday next.

Mr Cobb from the select committee, to whom was referred the memorial of James Potter F. Moody and W. W. McFarlane, citizens of DeKalb county, setting forth the official misconduct of Thomas A. Walker, solicitor of the ninth judicial circuit, and praying an investigation the same, together with the accompanying documents, reported that the matters and things alleged in said memorial and accompanying documents to have been committed by the said solicitor, demand an immediate investigation, and ask for power to send for persons and papers, the end the same may be done; in which the House concurred.

On motion of Mr Martin of B., *Resolved*, that the select committee, to whom was referred memorial of James Potter, Wm. F. Moody and W. W. McFarlane, citizens of DeKalb county, praying an inquiry into the official misconduct of Thomas A. Walker, solicitor of the ninth judicial circuit, have power to send for persons and papers, and to compel the attendance of witnesses, so that the same may be fairly and impartially investigated.

Mr McClellan moved to take from the table the report of the commissioners appointed by Governor to digest a military code, and the report of the committee on the military, to whom same had been referred; which was carried. The amendments proposed by the military committee were then considered and concurred in. Mr Erwin moved to lay the code and report on the table; which was carried.

Mr Hammond introduced a bill to revise an act therein named; which was read and ordered to a second reading on Monday next.

Mr Long introduced a bill to incorporate Goodhope male and female academy in the county of Russell; which was read and ordered to a second reading on Monday next.

On motion of Mr Smith of m. *Resolved*, that the committee on the State Bank be instructed to request the President of the State Bank and each President of its several branches, forthwith to inform the House if any notes or bills of exchange have been presented with forged names on the drawers, or false certificates of the solvency of the drawers or makers of such notes or bills of exchange, to be discounted or sold at the said banks.

Mr Calhoun introduced a bill to enable Elizabeth Ezrell to exercise and enjoy the rights and privileges of a free dealer; which was read and ordered to a second reading on Monday next.

Mr Beauchamp introduced a bill to change the time of holding the county court of Baldwin county; which was read and ordered to a second reading on Monday next.

Mr Jones of B. introduced a bill more permanently to secure the banks of this State against fraud and collusion; which was read and the question being on ordering the bill to a second reading on Monday next; which was carried. Yeas 78, nays 10.

The yeas and nays being desired those who voted in the affirmative, were Messrs. Speaker Alston Address Ashurt Baker Bates Beauchamp Bestor Blake Boston Brashier Brevard Bunney Carmack Clough Cobb Cochran Cook Cottrell Daniel Davis of B. Davis of M. DeJarnett Erwin Gann Godbold Greening Hammond Horton Johnson Jones of B. Jones of C. King Lee Long McCall B. Martin of P. May McClannahan of M. McClannahan of S. McClellan McCord McLemore Nelson Oliver Owen Payne Phillips Porter Priest Puckett Rawls Rogers Ross Scott of J. Scott Sheffield Simmons of L. Slaughter Smith of D. Spencer Stephenson Tarrant Taylor Tiffin Taylor Vining Weissinger Williams of T. Womack and Young.

Those who voted in the negative, are Messrs. Booker Coman Gordon High Primm Simmonson Simonton Smith of M. Williams of H. and Wilson.

A message was received from his Excellency, the Governor, by Mr Gooch his private secretary—Mr Speaker: His Excellency, the Governor, has this day approved and signed enrolled bills which originated in the House of Representatives of the following titles, to wit: An act to change the time of convening the General Assembly; an act to repeal an act exempting property from levy or sale by virtue of an execution, so far as regards the county of Henry; an act to alter and amend the patrol laws now in force in the counties of Franklin, Dale and Shelby; an act to amend the laws in relation to grand juries; an act for the regulating the apportionment of overseers on so much of the federal road as constitutes the boundary line between the counties of Monroe and Conecuh; an act to alter the boundary line in part between the counties of Conecuh and Butler; an act for the support of paupers in the county of Monroe; an act to amend in part the several acts and amendments establishing and incorporating the towns of Stephens and Rodney in Washington county; an act to authorize compensation to the commissioners of revenue and roads in certain counties therein named; an act for the relief of the legates of Turner Ivy deceased; an act to incorporate the Clayton Academy; an act particularly to define the number of petit jurors, to be drawn for the circuit court of Conecuh county and for other purposes; an act for the relief of Horatio G. Harbin, and others.

Mr Williams of H. offered the following resolution: *Resolved*, That by and with the consent of the Senate the two Houses will adjourn *sine die*, on Saturday, the 16th December inst. Mr Carmack moved to lay the resolution on the table; which was carried. Yeas 55, nays 38.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Speaker Alston J. Beauchamp Bester Booker Boston Brashire Brevard Burt Cane Carmack Clifton Cockran Cross Davis of B. Davis of m. Erwin Finley Godbold Greening Horton Jones of C. King Lee Martin of B. May McClannahan of M. McClannahan of S. McClellan Morris Nelson Oliver Owen Payne Perryman Phillips Porter Priest Puckett Rogers Ross Shields Simmons of L. Simonton Slaughter Smith of D. Steenson Tarrant Taylor Toulmin Vinling Weissinger Williams of T. and Womack.

Those who voted in the negative, are messrs Aldridge Andress Ashurst Baker Blake Clough Cobb Conner Cook Cottrell Daniel Gann Gordon Hammond High Johnson Jones of B. Long Martin of P. McCord Tim Rawls Scott of J. Scott of m. Sheffield Simmons of P. Skinner Smith of m. Spencer Tiffin Williams of H. Wilson and Young.

On motion of Mr Young, *Resolved*, that the Senate be now invited into the Hall of the House of Representatives, for the purpose of electing a judge of the county court for Tallapoosa county. Ordered, that the clerk acquaint the Senate therewith.

The Senate then repaired to the Hall of the House of Representatives, and took their seats. The two Houses then proceeded to the election of a judge of the county court for Tallapoosa county. Irving Lawson alone being nomination, and having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Tallapoosa county. The Senate then withdrew.

The House then proceeded to the consideration of the orders of the day, and resumed the consideration of the bill for the better regulation of trade in the city of Mobile. Mr Nelsons motion to postpone the further consideration of the bill and the amendment offered by Mr Porter, until the first Monday in August next, being under consideration.

A message was received from his Excellency, the Governor, by Gooch, his private secretary:

Executive Department, December 2, 1837.

To the General Assembly of the State of Alabama:—A vacancy has occurred in the board of Trustees of the University of Alabama, in consequence of the removal of William Ward of the 9th judicial circuit, and also the resignation of John R. Evans.

Very respectfully,

A. P. BAGBY.

And then the House adjourned until Monday morning, 9 o'clock.

Monday, December 4.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Childress, their private Secretary—Mr Speaker: The Senate have passed a bill from the House of Representatives of the following title, to wit: An act for the protection of the remains of the dead, and for other purposes.

Mr Smith of D. presented the petition of sundry citizens of DeKalb county, demonstrating against any action on the part of the Legislature, in relation to the removal of the United States troops, stationed in the Cherokee nation; which was read and referred to the committee on Indian affairs.

Accounts were presented by messrs. Clough and McClannahan of S. which were severally read and referred to the committee on Indian expenditures.

Mr Womack presented sundry claims; which were read and referred to the committee on Indian affairs.

Mr Toulmin presented the memorial of the Irish benevolent and naturalization society of the city of Mobile; which was read. Mr Payne moved to lay the memorial on the table; which was carried.

Mr Porter presented the petition of Alva Woods, praying the passage of an act emancipating a slave therein named; which was read. Ordered, that the petition be laid on the table.

Mr Shields from the committee on education; to whom was referred the report for the relief of the purchasers of the sixteenth section, township one, range west, in the county of Lauderdale and for other purposes, reported that it is expedient to pass the bill. Mr Carmack moved to lay the report and bill on the table; which was carried.

Mr Davis of m. from the committee on propositions and grievances, to whom was referred the petition of William Wilson, praying the passage of an act authorising him to retail spirituous liquors free of taxation, reported that it is inexpedient to grant the prayer of the petitioner. On motion of Mr Martin of B. ordered that the report lie on the table.

The same committee to whom was referred the petition of James G. Bull praying for the privilege of building a mill five hundred yards above the Island shoals in Coosa river, reported that it is inexpedient to legislate on the subject. Mr McClannahan of S. moved to lay the report on the table; which was carried.

The same committee to whom was referred the petition of William W. non, praying for a fine to be remitted that was imposed upon him by Judge Lett for non-attendance as a grand juror, at the last circuit court of Russell county, reported it back to the House as not being the proper place to apply for relief and asked to be discharged from the further consideration of the same. On motion of Mr Long, ordered that the report lie on the table.

The same committee to whom was referred the petition of William M. praying for a law to legitimate certain children therein named, reported the laws giving the courts sufficient jurisdiction to legitimate and change names, be found in Aikins' Digest, page 77, and asked to be discharged from the further consideration of the subject. On motion of Mr McLemore, ordered that the report lie on the table.

Mr Erwin from the judiciary committee, to whom was referred the bill to explain and amend the laws in relation to attachments, reported the same with dry amendments; in which the House concurred. Mr Erwin moved to amend by way of proviso, to come in at the end of the fifth section; which was carried. Mr Priest moved to amend by adding in the 8th line of the 3d section, after the word "one," the word "or;" which was carried. The question then recurred on ordering the bill as amended to be engrossed for a third reading on to-morrow and carried.

Mr Oliver from the committee on inland navigation, to whom was referred the resolution of inquiry into the expediency of appropriating the sum of \$100,000 out of the three per cent fund, for the purpose of improving the navigation of the Warrior river, from the falls of Tuscaloosa to the Sipsey fork of said river, reported that the same or a similar provision is contained in a bill now introduced gross before the House, and asked to be discharged from its further consideration, which was granted.

Mr Oliver from the same committee, to whom was referred the resolution of inquiry into the expediency of distributing to the several counties, annually, interest arising from the three per cent fund, for the object of internal improvement for the several counties, reported that it is inexpedient to legislate thereon, in which report the House concurred.

Mr Oliver from the same committee, to whom was referred the report of the commissioners of the Tennessee canal, report the same back to the House and commend that one hundred and thirty copies thereof be printed for the use of the House; in which the House concurred.

Mr Shields from the committee on education, to whom was referred the

to authorise the judge of the county court and commissioners of roads and revenue of the county of Henry, to lay off and divide said county into school districts, and for other purposes, reported that it is inexpedient to pass the bill. Mr Williams of H. moved to lay the report and bill on the table; which was carried.

Mr Greening from the select committee, to whom was referred the petition of certain citizens of the county of Dallas, reported a bill to establish a new beat in the county of Dallas; which was read and ordered to a second reading on to-morrow.

Mr Owen presented the petition of sundry citizens of Sumter and Washington counties, praying to have created a new county, to be composod of a part of the counties of Washington and Sumter. Mr Payne moved to lay the petition on the table; which was lost. Mr Owen moved to refer the petition to the committee on county boundaries; which was carried.

Mr Porter offered the following resolution, *Resolved*, that this House will adjourn at ten o'clock on Wednesday next, for the purpose of attending the commencement exercises of the University of Alabama. The question being taken on the adoption of the resolution, was carried.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the two Houses will convene in the Representative Hall, this day at 12 o'clock, for the purpose of electing a solicitor for the 7th judicial circuit, and also a trustee for the University of Alabama for the 9th judicial circuit. On motion of Mr Shields, ordered that the message lie on the table.

Mr Johnson introduced a bill to locate the seat of justice for Marshall county, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Martin of B. called up from the table the petition of Christopher Kelly and others, praying for relief as therein shewn; which was then read and referred to the committee on propositions and grievances.

Mr Payne introduced a bill to incorporate the town of Warsaw; which was read and ordered to a second reading on to-morrow.

Mr Bates introduced a bill to authorise the executors of Semour Caldron, deceased, to convey land; which was read and ordered to a second reading on to-morrow.

Mr Puckett introduced a bill to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama, and its several branches; which was read and ordered to a second reading on to-morrow.

On motion of Mr Erwin, *Resolved*, that the editors of the several newspapers in this State, be permitted to take a seat within the bar of this House, to take notes of its proceedings.

Accounts were presented by messrs. Tiffin and Payne; which were read and referred to the committee on accounts.

Mr Davis of m. introduced a bill to repeal in part and amend an act entitled to provide for the payment of certain accounts created by the regiment of observation in going to and returning from Vernon; which was read and ordered to a second reading on to-morrow.

Mr Toulmin introduced a bill to incorporate the Irish benevolent and naturalisation society in the city of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Godbold introduced a bill to authorise the sheriff of Baldwin county to order elections and for other purposes; which was read and ordered to a second reading on to-morrow.

On motion of Mr Smith of D , *Resolved*, that the committee on the State printing be instructed to inquire what provision is necessary to be made for the purpose of furnishing the counties of DeKalb, Cherokee, Talladega, Benton, Randolph and Marshall, with all the acts of the General Assembly of this State, which said counties have not heretofore been furnished; with leave to report bill or otherwise.

Mr High introduced a bill to authorise the drawing of a lottery for the purposes therein named; which was read and ordered to a second reading on to-morrow.

Mr Taylor called up the account of Robert Austin; which was read and referred to the committee on propositions and grievances.

Mr Carmack called up the bill for the suppression of vice and immorality; Cottrell moved to postpone its consideration until Thursday next; which was lost; Mr Owen moved to lay the bill on the table; which was carried.

On motion of Mr Oliver, *Resolved*, that the door-keeper be instructed to employ a workman for the purpose of altering the windows of the Hall in a manner as will allow the air to have free access from the tops of the same.

On motion of Mr Jones of c., *Resolved*, that his Excellency the Governor requested to inform this House whether any, and if any, how many men have been called into service from the fifth division of the militia of this State, to repel the incursions of the Indians, and who have not been regularly mustered in the service of the United States; together with such information as he may possess on that subject.

Mr Johnson introduced a bill to amend an act therein named, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Owen introduced a bill concerning the acknowledgment of deeds; which was read and ordered to a second reading on to-morrow.

Mr Beauchamp introduced a bill to amend an act therein named; which was read and ordered to a second reading on to-morrow.

Mr Brevard introduced a bill to abolish an election precinct in the county of Autauga, and establish another in lieu thereof; which was read and ordered to a second reading on to-morrow.

Mr Burt introduced a bill to regulate the per centage on the sale of cotton, factors and commission merchants, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Erwin introduced a bill concerning writs of error and appeals; which was read and ordered to a second reading on to-morrow.

Mr McLemore introduced a bill to incorporate the Hickory Grove Academy in the county of Chambers; which was read and ordered to a second reading on to-morrow.

Mr Blake introduced a bill to incorporate the town of Wedowee, in the county of Randolph; which was read and ordered to a second reading on to-morrow.

On motion of Mr Aldridge, *Resolved*, that the principal clerk of the House be authorised to employ such additional assistance as may become necessary to keep up the business of this House.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, by the Senate and House of Representatives of the State of Alabama General Assembly convened, that the two Houses will adjourn on Wednesday the 6th instant, for the purpose of attending the commencement of the University of Alabama; in which they ask the concurrence of the House of Representatives.

The House then proceeded to the consideration of the orders of the day, and resumed the consideration of the bill for the better regulation of trade in the city of Mobile; the question being on the motion of Mr Nelson, to postpone the further consideration of the bill, together with the amendments offered by Mr Porter, until the first Monday in August next; which was taken and lost.

Those who voted in the affirmative are, Messrs. Baker Bates Coman Godbold High Horton McCord McLemore Nelson Owen Puckett Rogers Slaughter Stephenson and Toulmin.

Those who voted in the negative are, Messrs. Speaker Aldridge Address Alston Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Cane Carmack Cobb Cottrell Clifton Cross Daniel Davis B. Davis of m. De Jarnett, Erwin Finley Gann Gordon Greening Hammond Johnson Jones of B. Jones of C. King Lee Long Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan Morris Oliver Payne Perryman Parker Phillips Porter Priest Prinn Rawls Ross Scott of J. Scott of m. Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Smith of D. Smith of m. Tarrant Taylor Tiffin Vinning Weissinger Williams of H. Williams of P. Wilson Womack and Young.

Mr Erwin then moved to lay upon the table the amendments offered by Mr Porter; which was carried.

Those who voted in the affirmative are, Messrs. Speaker Aldridge Alston Address Baker Bestor Blake Booker Boston Brashier Brevard Burt Cane Carmack Cottrell Cross Clifton Clough Cobb Coman Daniel Davis of B. DeJarnett Erwin Finley Gann Gordon Hammond High Horton Jones of B. Jones of C. King Lee Long Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan Morris Parker Payne Priest Prim Puckett Rawls Rogers Ross Scott of J. Shields Simmons of S. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Vining Weissinger Williams of P. Wilson Womack and Young.

Those who voted in the negative are, Messrs. Beauchamp Davis of m. Greening Johnson McCord McLemore Nelson Oliver Owen Perryman Phillips Porter Scott of m. Sheffield Tiffin and Toulmin.

The question then recurred upon Mr Bates' motion to strike out the words "in the city of Mobile or elsewhere," where they occur in the first section, which was lost: yeas 14, nays 75.

Those who voted in the affirmative are, Messrs. Bates Burt Godbold Horton Johnson McCord McLemore Nelson Owen Porter Scott of m. Sheffield Slaughter and Toulmin.

Those who voted in the negative are, Messrs. Speaker Aldridge Alston Address Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Cane Carmack Clifton Clough Cobb Cochran Coman Cottrell Cross Daniel Davis of B. Davis of m. DeJarnett Erwin Finley Gann Gordon Greening Hammond High Jones of B. Jones of C. King Lee Long Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan Morris Oliver Parker Payne Perryman Phillips Priest Prim Puckett Rawls Rogers Ross Scott of J. Shields Simmons of L. Simmons of P. Simonton Skinner Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Tiffin Vining Weissinger Williams of H. Williams of P. Wilson Womack and Young.

The amendments by the committee in the report upon the bill was then concurred in.

Mr Phillips moved to amend the same by way of proviso, to come in at the end of the third section as follows: "provided that nothing herein contained shall prevent any person or persons from authorising in writing, any commission merchant, factor, broker or other agent, in the city of Mobile, to transact his or their business without entering into said bond:" Mr Erwin moved to lay the amendment on the table; which was carried.

Those who voted in the affirmative are, Messrs. Speaker Aldridge Alston Address Bestor Blake Boston Brashier Brevard Burt Cane Clifton Clough Cobb Cochran Cottrell Cross Daniel Davis of B. Davis of m. DeJarnett Erwin Finley Gann Gordon Hammond Jones of C. King Lee Long Martin of B. Martin of P. May McClellan Morris Parker Payne Perryman Priest Prim Ross Scott of J. Shields Simmons of L. Simmons of P. Simonton Skinner Smith of D. Smith of m. Spencer Tarrant Taylor Tiffin Vining Williams of H. Williams of P. Womack and Young.

Those who voted in the negative are, Messrs. Bates Beauchamp Booker Carmack Coman Godbold Greening High Horton Johnson Jones of B. McClannahan of m. McClannahan of S. McCord McLemore Nelson Oliver Owen Phillips Porter Puckett Rogers Scott of m. Sheffield Slaughter Stephenson Toulmin Weissinger and Wilson.

Mr Bates moved to amend the same by way of proviso, to come in at the end of the third section, as follows, to-wit: "Provided, that in all cases the remedy at law shall be equal and reciprocal, either against or in favor of said commission merchant, and who may sue for and recover any balance, sum or sums of money

which may be due him, in like manner as is herein prescribed for against him. Mr Lee moved to lay the amendment on the table; Mr Carmack moved the previous question; which was sustained.

Those who voted in the affirmative are, messrs Speaker Aldridge Alston Address Blake Boston Brasher Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Coman Cottrell Cross Daniel Davis B. DeJarnett Erwin Finley Gann Gordon Hammond High Jones of C. King Lee Long Martin of B. Martin of P. McClannahan of m. McClannahan of s. McClellan Morris Parker Payne Perryman Prim Puckett Rawls Rogers Rose Sheffield Simmons of L. Simmons of P. Simonton Skinner Smith D. Spencer Stephenson Tarrant Taylor Tiffin Vining Williams of H. Williams of P. Wilson Womack and Young.

Those who voted in the negative are, messrs Bates Beauchamp Bestor Booker Davis of m. Goddard Greening Horton Johnson Jones of B. McCord McLemore Nelson Oliver Owen Phillips Porter Scott J. Scott of m. Shields Slaughter Smith of m. Toulmin and Weissinger.

The main question being "shall this bill be engrossed and made the order of the day for a third reading on to-morrow, was taken and carried.

Those who voted in the affirmative are, messrs Speaker Aldridge Alston Address Bestor Blake Brasher Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Cottrell Cross Daniel Davis B. DeJarnett Erwin Finley Gann Gordon Hammond Jones of B. Jones of C. King Lee Long Martin of B. Martin of P. May McClannahan of s. McClellan Morris Parker Payne Perryman Priest Prim Ross Scott of J. Sheffield Simmons of L. Simmons of P. Simonton Skinner Smith of D. Smith of D. Spencer Tarrant Taylor Tiffin Vining Weissinger Williams of H. Williams of P. Womack and Young.

Those who voted in the negative are, messrs Bates Beauchamp Booker Coman Davis of m. Goddard Greening High Horton Johnson McClannahan of m. McCord McLemore Nelson Oliver Owen Phillips Porter Puckett Rogers Shields, Slaughter Stephenson Toulmin and Wilson.

And then the House adjourned till 3 o'clock, P. M.

Monday, December 4th, 3 o'clock, P. M.—House met pursuant to adjournment.

Ordered, that the House concur in the resolution of the Senate, proposing adjourn on the 6th instant, for the purpose of attending the commencement exercises of the University of Alabama.

Mr Cobb called up the military revised code; which had been heretofore reported to the House: Mr Cobb moved to refer the same to the military committee; which was carried.

On motion of Mr DeJarnett, ordered, that he be excused from serving on the select committee on Indian affairs.

The House then proceeded to the consideration of the bill to aid the Selma and Tennessee rail road company, which had been set apart as the special order for this day. Ordered, that the same be postponed until Thursday next, and make the special order for that day; the next special order being the bill to regulate peddlers, was taken up; the amendments which had been reported by the committee, being under consideration; Mr Erwin moved to refer the same, together with the amendments, to a select committee; which was carried: whereupon Messrs Erwin, Phillips and Martin of B. were appointed said committee.

The next special order being the bill to provide for the taking the census for the year 1838, was taken up; Mr Phillips moved to postpone the further consideration of the bill until Friday next, and that the same be made the special order for that time; which was carried.

The House then resumed the consideration of the bill better to regulate the taxing of pedlars and shows: Mr Owen moved to postpone the further consideration of the same until the first Monday in August next; which was lost: the question then recurred upon Mr Carmack's motion, to amend by adding after the word "wagon," where it occurs in the first section the words "pack horse:" which was lost: Mr Scott of J. moved to strike out the third section of the bill; which was lost: the bill as amended was then ordered to be engrossed for a third reading on to-morrow.

The engrossed bill to appoint a committee of finance in the counties of Pike

and Henry, and for other purposes, was read the third time; Mr Gordon moved to amend the same by way of engrossed rider, to come in as an additional section, which was carried; the bill as amended was then passed: Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill supplemental to an act entitled an act to extend the time of indebtedness to the State bank and its branches, and for other purposes; was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to repeal an act therein named; was read the third time and passed: Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to divorce Mary Moniac from her husband Alexander Moniac; was read the third time and passed by a constitutional majority of the House: Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to divorce Daniel Noble from his wife Elizabeth Noble, was read the third time and passed by a constitutional majority: Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to divorce Mary Weaver from her husband Daniel Weaver; was read the third time and passed by a constitutional majority of the House: Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The engrossed bill to authorise Polite Collins to inherit real estate; was read the third time and passed: Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to compensate the commissioners of roads and revenue in the county of Cherokee; was read the third time and passed: Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill for the relief of Patience Powell; was read the third time and passed: ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to incorporate the town of Oakville, in the county of Lawrence; was read the third time and passed: Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to authorise Eliza A. Thompson, guardian of Louisa C. Ely, to transfer said guardianship from the orphans' court of Madison county to the orphans' court of Talladega county; was read the third time and passed: ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate to change the time of holding the county court of Benton county, was read the third time and passed. Ordered, that the title be as aforesaid and the clerk acquaint the Senate therewith.

The bill from the Senate to amend an act entitled an act to incorporate the Florence bridge company, approved January 12th, 1832, was read the third time and passed. Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The bill from the Senate to provide for repairing the streets and alleys in the town of Jacksonville, was read the third time and passed. Ordered, that the title be as aforesaid, and that the clerk acquaint the Senate therewith.

The engrossed bill to alter and amend judicial proceedings in certain cases therein mentioned, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The engrossed bill to amend the laws in relation to the collection of taxes on real estate, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The engrossed bill to establish a board of commissioners for the improvement of the navigation of the Tombigbee river and for other purposes, was read the third time. Mr Smith of m. moved to postpone the further consideration of the bill until to-morrow, 12 o'clock; which was carried.

The engrossed bill to amend the law now in force in relation to retailers of intoxicating liquors, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for the concurrence.

The engrossed bill to raise a revenue for the county of Tallapoosa and for other purposes, was read the third time and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence. And the House adjourned until to-morrow morning 9 o'clock.

Tuesday, December 5.—The following message was received from the Senate, by Mr Childress, their assistant secretary.—Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles, to wit: An act permanently to establish the seat of justice in Tallapoosa county; an act authorising the judge and commissioners of roads and revenue of Butler county, to levy a county tax; an act to secure the fine from defaulters working on public roads; an act to require the several medical boards of this State to keep a seal of office, and for other purposes. They have also passed bills which originated in the Senate; an act to amend an act, passed January 9, 1836, entitled an act to incorporate the Spring Hill College, in the county of Mobile; an act declaring Sipsey river a public highway; and an act to change the mode of bringing suits by the Bank of the State of Alabama and its several branches; in which they ask the concurrence of your honorable body.

Engrossed bill from the Senate, to be entitled an act to amend an act, passed January 9th, 1836, entitled an act to incorporate the Spring Hill College, in the county of Mobile, was read and ordered to a second reading on to-morrow.

Engrossed bill from the Senate to be entitled an act to change the mode of bringing suits by the Bank of the State of Alabama and its several branches, was read and ordered to a second reading on to-morrow.

Engrossed bill from the Senate to be entitled an act declaring Sipsey river a public highway, was read and ordered to a second reading on to-morrow.

Mr Oliver presented the petition of sundry citizens of Montgomery county, praying that a certain election precinct therein named, might not be changed, which was read and referred to the committee on privileges and elections.

Mr Clifton presented the petition of sundry citizens of Cherokee county, praying the establishment of a certain election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Johnson presented the account of the sheriff of Marshall county; which was read and referred to the committee on accounts.

Mr Horton presented the petition of sundry citizens of North Alabama, who had associated themselves under the name and style of the North Alabama Jockey Club Association, praying to be made a body corporate; which was read and referred to a select committee, consisting of Messrs Horton, Bates and Toulmin.

Mr Williams of H. presented the account of A. C. Gordon; which was read and referred to the select committee on Indian expenditures.

Mr Scott of J. presented the account of Mitchell and Lacy; which was read and referred to the committee on accounts.

Mr Martin of P. presented the petition of William Chalmers, a native of South

id, praying the privilege of a citizen of this State; which was read and referred to the committee on the judiciary.

Mr Finley presented the petition of sundry citizens of Jackson county, praying the rights and immunities which are granted to free persons of color, might be granted to a certain person of color therein named; which was read and referred to the committee on propositions and grievances.

Accounts were presented by messrs Cottrell, Ross and Morris; which were severally read and referred to the committee on accounts.

Mr Morris presented the petition of N. Ford; which was read and referred to the committee on propositions and grievances.

Mr Davis of B. presented to the House the report of the president and directors of the Cahawba navigation company; which was read and referred to the committee on inland navigation.

Mr Cochran presented the petition of sundry citizens of Pickens county, praying the establishment of a certain election precinct therein named; which was read and referred to the committee on privileges and elections.

Mr Simmons of L. presented the petition of sundry citizens of this State, praying the passage of a law to incorporate a company to erect a certain rail road therein mentioned; which was read and referred to the committee on rail roads.

Mr Smith of m. from the committee on the State Bank, reported a communication from the president of the branch of the bank of the State of Alabama at Huntsville, accompanied with an exhibit of the condition of the same; which was read and ordered to lie on the table.

A message was received from his Excellency the Governor, by Mr Gooch, his private secretary, to-wit—Mr Speaker: His Excellency, the Governor, this day approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, to-wit: An act to be entitled an act to divorce Polly Findley from her husband Joseph Findley: an act to be entitled an act to divorce Campbell McMurtry from his wife Nancy McMurtry: an act to be entitled an act to divorce Saray Loyd from her husband Benjamin E. Loyd: an act to amend an act to incorporate the town of Talladega, approved January 9th, 1835: an act to be entitled an act to incorporate the town of Columbiana in the county of Shelby: also, the following communication, to-wit:

Executive Department, December 5th, 1837.

To the General Assembly of the State of Alabama—Gentlemen: I beg leave to lay before you the accompanying resolutions from the States of Louisiana and Massachusetts; one in reference to the propriety of extending the franking privilege, and the other in relation to abolition societies. A. P. BAGBY.

The Hon. James W. McClung, Speaker of the House of Representatives.

The resolutions from his excellency the Governor of the State of Louisiana, were read and referred to the judiciary committee.

The resolutions from his excellency the Governor of the commonwealth of Massachusetts, was read and ordered to lie on the table: also, the further communication from his excellency the Governor, was received, to-wit:

Executive Department, December 5th, 1837.

To the General Assembly of the State of Alabama—Gentlemen: I have been requested to lay before you the accompanying memorial from Littleton Dennis, teacher of Maryland, which is herewith respectfully submitted.

A. P. BAGBY.

To the Hon. James W. McClung, Speaker of the House of Representatives.

Which said memorial was read and ordered to lie on the table.

Mr Greening from the committee on accounts made the following report: The

committee on accounts, to whom was referred the accounts of Alexander Rice, late sheriff of Jackson county; the account of S. S. Andress, late sheriff of Monroe county; the account of D. H. Vailiant, sheriff of Lawrence county, and the account of William Mills, jailor of Autauga county, have had the same under consideration, and have instructed me to report the same back to the House, not being sufficiently authenticated to authorize their allowance, and ask to be discharged from the further consideration of the same; mr Puckett moved to the report on the table; which was carried.

Mr Aldridge from the select committee raised by the chair for that purpose made the following report: The select committee to whom was referred a resolution and petition on the subject of memorializing Congress to grant to the general settlers residing on the Cherokee lands within this State pre-emption right have according to order had the same under consideration, and have instructed me to report a joint memorial to the Congress of the United States, asking the right of pre-emption to actual settlers on public lands; mr Payne moved to refer the memorial to a select committee; which was carried: and messrs Payne, Carter, Martin of B. and McClellan, were appointed said committee.

Mr Davis of m. from the select committee to whom was referred a resolution directing said committee to wait upon his Excellency the Governor, and request that he will transmit to this House a copy of his inaugural address, that the same may be spread upon the journals, reported that they had performed that duty and have instructed me to present the letter of his Excellency, as a part of the report, together with the inaugural address herewith presented.

Mr Bates from the select committee to whom the subject was referred, made the following report; The select committee to whom was referred the petition of sundry citizens of Mobile, for the charter of the Mechanic's Bank of Mobile have had the same under consideration, and have instructed me to report as follows: to be entitled an act to incorporate the Mechanic's Bank of Mobile; which was read and ordered to a second reading on to-morrow.

Mr Cottrell introduced a bill to be entitled an act to revive and continue in force an act entitled an act to incorporate the town of Lowndesborough in Lowndes county, approved, December 17th, 1832; which was read and ordered to a second reading on to-morrow.

Mr Martin of B. introduced a bill to be entitled an act to alter and amend an act to authorize T. M. Lickins and John Arnold to turnpike a road therein provided; approved, January 9th, 1836; which was read and ordered to a second reading on to-morrow.

Mr Nelson offered the following resolution: *Resolved*, That by and with the consent of the Senate, the two Houses of the General Assembly will this day the 5th of December, at 12 o'clock, proceed to the election of one trustee from the fourth, and one from the ninth judicial circuits to the University of Alabama which was adopted: Ordered, that the clerk acquaint the Senate therewith.

Mr Williams of H. called up the bill authorising the judge of the county of Henry and commissioners of roads and revenue of the county of Henry, to lay off and divide said county into school districts, and for other purposes; which was read and referred to a select committee, consisting of messrs Williams of H. Gordon, Womack and Lee.

Mr Shields from the committee on education, to whom was referred a resolution directing them to inquire into the expediency of establishing common schools throughout the State, and whether the financial condition of the State is such as to authorise the adoption of the proposed measure, without resort to taxation, reported (as the result of their examination of the subject), A bill to be entitled

to revise and amend the laws in relation to schools and school lands; which was read, and on motion of Mr Shields, Ordered, that it be made the special order of the day for Thursday next, and that one hundred and thirty copies thereof be printed, and that the report lie on the table.

Mr Perryman introduced a bill to be entitled an act to cause to be printed an additional number of the acts of the legislature for the purposes therein named; which was read and ordered to a second reading on to-morrow.

Mr Phillips called up the bill to be entitled an act to authorise the persons herein named to raise a loan on behalf of the State of Alabama, for five millions of dollars; which was read and made the special order of the day for Friday next.

Mr Lee called up from among the orders of the day the bill from the Senate to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road; the bill was then read the second time: Mr Bates moved to lay the bill on the table: Mr Smith of M. moved to postpone the further consideration of the bill until Thursday next; which was carried.

Mr Bestor introduced a bill to extend and equalize the advantages of common schools in the State of Alabama; which was read the first time: on motion of Mr Erwin, Ordered, that the bill lie on the table, and one hundred copies thereof be printed for the use of this House.

Ordered, that Mr Morris be added to the committee on accounts.

Ordered, that Mr Prim be added to the select committee on Indian expenditure.

Ordered, that Mr Johnson be added to the committee on accounts.

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate concur in the resolution from the House of Representatives, proposing to go into the election of a trustee from the fourth judicial circuit, and have amended the same by adding “and also a trustee for the ninth judicial circuit;” in which they ask the concurrence of the House of Representatives: Ordered, that the House concur in the amendment proposed by the Senate: Ordered, that the message lie on table.

Mr Owen presented the petition of sundry citizens praying the passage of an act regulating the rates of freighting by steamboats; which was read and referred to the judiciary committee.

On motion of Mr Alston, *Resolved*, that the Senate be now invited to assemble in the Representative Hall for the purpose of electing trustees of the University of Alabama for the fourth judicial circuit. The Senate then repaired to the Hall of the House, and took their seats: the two Houses then proceeded to the election of a trustee for the fourth judicial circuit; Robert M. Patton and Elisha Meridith being in nomination.

Those who voted for Mr Patton are, Messrs President, Burke, Crabb, Deaveraux, Elmore, Farrer, Fleming, Frazier, Goayne, Henderson, Hill, Mays, Moore, Posey, Rains, Rather, Roberts, Spann, Smith, Simmons, Wallace, Watrous, Wellborn and Wilson: Representatives, Messrs Speaker, Aldridge, Alston, Bates, Beanchamp, Blake, Booker, Boston, Brevard, Carnack, Clifton, Cobb, Coman, Cottrell, Cross, Davis of M., DeJarnett, Finley, Gann, Gordon, Godbold, Greening, Hammond, Harton, Johnson, Jones of B., Jones of C., King, McClannahan of S., McClellan, McCord, Morris, McLemore, Oliver, Owen, Parker, Perryman, Phillips, Prim, Puckett, Rawls, Scott of J., Scott of M., Sheffield, Shields, Simmons of L., Simonton, Slaughter, Smith of D., Smith of M., Spencer, Tarrant, Toulmin, Taylor, Tiffin, Vining, Weissinger, Wilson and Womack.

Those who voted for Mr Meridith are, Messrs Hudson, Lee, Little, Terry, Musgrove: Representatives, Messrs Andress, Baker, Bestor, Burt, Cane, Cochram, Daniel, Davis of B., Erwin, High, Long, Martin of B., Martin of P., May, McClannahan of M., Payne, Porter, Priest, Rogers, Ross, Simmons of P., Skinner, Stephenson, Williams of H. and Williams of P.

Mr Patton having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected one of the trustees for the University of Alabama from the fourth judicial circuit of this State.

The two Houses then proceeded to the election of a trustee for the ninth judicial circuit, John Cochran alone being in nomination, received the whole number of votes given, Mr Speaker declared him duly and constitutionally elected one of the trustees for the University of Alabama from the ninth judicial circuit of this State.

The Senate then withdrew.

Mr Smith of m. called up the engrossed bill to establish a board of commissioners for the improvement of the navigation of the Tombigbee river, and for other purposes; the bill was then read the third time; Mr Carmack moved to lay the bill on the table; and then the House adjourned till 3 o'clock, P. M.

Evening Session, December 5th.—House met pursuant to adjournment.

Agreeably to a resolution heretofore adopted by the House, appointing a select committee to wait upon his Excellency the Governor, and obtain from his inaugural address, and requesting the clerk to spread the same upon the journal of this House. The following communication from his Excellency was handed in by the chairman of said committee, together with a copy of his inaugural address; both of which is as follows, to-wit:

Executive Department, December 4th, 1855.

GENTLEMEN: In compliance with a resolution of the House of Representatives, requesting for the purpose of being spread upon the journals, a copy of the address delivered by me in presence of the two Houses of the General Assembly previous to my installation, I herewith hand you the copy requested, although I am not sensible of any merit in that production which entitles it to a place among the permanent public records of the country. As the House of Representatives have been pleased to request it, it is cheerfully and respectfully submitted.

I have the honor to be, gentlemen, with very great respect, your ob't. servt.
A. P. BAGBY

Hon Messrs Davis, Scott and Andress.

Gentlemen of the Senate and House of Representatives:

In appearing before the assembled representatives of the people, for the purpose of receiving in their presence, the solemn injunctions of the constitution, I propose in pursuance of a custom, sanctioned by the high example of all my predecessors in office, as well as most others in similar situations, respectfully to submit to you a brief outline of the policy I design to pursue, and the principles by which I intend to be governed in the discharge of the duties of the responsible station to which I have been called, in the voice of a free and enlightened people.

And, although it has not been my peculiar good fortune, to enter upon the discharge of the important duties, appertaining to the Chief Magistracy of this State, amidst scenes of so much prosperity as to have witnessed by which some portions of our history has been signalized—although a portion of our population is suffering severely from the desolating hand of disease and death, and an unusually large portion of our fellow-citizens acutely feel the oppressive weight of pecuniary embarrassment; there is still abundant cause of gratulation, and of gratitude to the Almighty disposer of events, that the people of our State generally, are blest with the enjoyment of excellent health; that there is every reason to hope, and expect that the husbandman will receive an adequate recompense for his industry, capital and labor; and that all, under the admirable form of Government, which we received as a rich inheritance from a glorious ancestry, we are still in the enjoyment, without alloy or the prospect of interruption, of a much larger portion of rational, regulated liberty than has fallen to the lot of any other people, in any of the nations that have gone before us. And it is confidently believed, that while we continue to pursue the course marked out by intelligence, virtue and patriotism, we may not only rest assured that we are in the enjoyment of the blessings and privileges flowing from that system ourselves: but we may indulge the pleasing hope, of transmitting them unimpaired, through countless future generations, to the latest posterity.

In estimating the causes which by their operation and influence have a tendency to elevate and improve the character of communities; it is easy to be perceived, that religion and sound morality are the only stable and lasting pillars upon which any system of free government, can ultimately depend. These great pillars have their only sure foundation in some wholesome, well regulated system of education. To the establishment and support of such a system should every eye be directed, and in furtherance of it, should our best energies be exerted. It is a subject full of interest, and surrounded with the

agreeable, as well as the most solemn reflections. Indeed, when we consider its influence in preparing mankind for usefulness and respectability in this life, and for an higher state of enjoyment in that which is to come, it is but natural that it should occupy a large space in the reflections and deliberations of the philanthropist, the patriot, and the statesman. And it will afford me great pleasure, while I have the honor of a participation in the public councils to contribute my best exertions to the promotion of this great and important subject. Next to the cultivation and expansion of those moral and intellectual faculties with which we have been endowed for wise and beneficent purposes, is, the improvement of the natural physical resources with which we have been favored, from the same beneficent source.

To improve the advantages of this description which we already enjoy, and to increase them by a well regulated system of internal improvement, would, in my opinion, be promoting the permanent interest of every portion of the State and would be compatible, in every respect, with the extended intelligence and enterprising spirit of the age in which we live.

It is impossible to contemplate that beautiful system devised for us by the wisdom of our ancestors, without being deeply impressed with the indispensable necessity of keeping up a clear line of demarcation between the State and Federal authorities. Indeed, I am so unalterably of opinion that it is by constant observance of this line alone, that we can preserve our institutions in their pristine purity, that I enter upon the duties confided to me by my fellow citizens, with a fixed determination to yield a ready and cheerful compliance with the laws of the United States constitutionally enacted, and to enforce them too, so far as their faithful execution may depend on the exercise of the power with which the executive of this State is invested by the constitution, on the one hand, and on the other, to stand as a sentinel on the watchtower, to guard, protect and defend the legitimate rights of the State from all encroachment, violation or abuse, to the utmost of my ability.

In connection with this delicate and interesting subject, as to the relative powers, rights and duties of the State and Federal governments, I trust it will not be considered amiss, upon this occasion, to present to you a candid expression of my views on a subject, in relation to which I entertain opinions at variance with many of those in the correctness of whose judgment, generally, I have great confidence, for the purity of whose patriotism, displayed upon all proper occasions, places them above all suspicion. I allude to the constitutional power of Congress to establish a National Bank. Viewing this question as one depending exclusively upon the powers of Congress, I shall examine it in that light alone. For if it can be shewn that Congress have no power to create such an institution, without an alarming encroachment on the rights of the States, it would be an useless consumption of time to discuss the question of expediency—unless, indeed, we have been so far influenced and misled, by the disastrous cry of hard times, as to be willing to surrender up our most valuable rights, at the shrine of expediency or convenience—a proposition to the correctness of which I am by no means prepared to submit.

The government of the United States, is a government of limited powers. According to an express provision of the Federal constitution, all the powers not delegated to Congress by the constitution, nor prohibited by it to the State, remain with the States respectively, or with the people. This provision constitutes and establishes the great citadel of the rights of the States, *and the people*. From its proud battlements the awful forms of the fathers of the republic, with the guardian genius of the constitution at their head, are still seen, through the lapse of years, by the eye of patriotism, pointing to the great barrier they intended to establish between State and Federal authority, and which they fondly hoped would stand forever, and saying to the latter, so far shalt thou go, and no farther.

In order to ascertain and determine, this question correctly, let us first examine the federal constitution and see, if this (banking) power has been delegated to Congress? Is it to be found among the powers delegated to Congress?

The Federal constitution contains no provision, nor expression calculated, nor as is believed intended, to confer such a power, according to any established rule of interpreting language, or construing instruments. Mankind generally in the use of language, employ such terms as are best calculated to convey their meaning, especially when engaged in a subject so grave as the formation of a fundamental law. And it is impossible to conceive that a body, a numerous body of men, who were not only the brightest intellectual ornaments of the age in which they lived, but the rays of whose superior intelligence will serve as a lamp to the feet of their descendants (while they continue to walk in the footsteps of their ancestors, and I hope they will never depart from them) through all future time, could not find terms, to empower Congress to incorporate a national bank, if they had intended to delegate that power. The constitution of the United States is a written compact voluntarily entered into by the parties to it, for the most important and salutary purposes; that it is to assert for themselves, and secure to their children through countless generations, the enjoyment of the sacred rights of liberty and property, with all their attendant blessings, benefits and advantages. The rule ratified by time, in the construction of written instruments, (if they are doubtful in their terms) is, to resort to the intention of the parties. Let the aid of this rule be invoked. Was it the intention of the justly venerated framers of the constitution to delegate this banking power to Congress? The warning voice of cotemporaneous history answers the question. For the proposition to confer such a power on Congress was made, and rejected by a large majority of that illustrious assembly.

If then, this power so far from having been delegated to Congress was expressly withheld from them, let us proceed to inquire, whether the next ground assumed for the exercise of this power can be sustained. Congress shall have power to pass all laws necessary and proper for carrying the enumerated powers into effect.

This, after the whole doctrine of implied powers has been exhausted, is the last and only ground upon

which the advocates of a National Bank attempt to fortify themselves. But it cannot be successfully contended, that this provision confers upon Congress, any distinct, substantive power whatever, merely in aid of the powers expressly granted, and was intended not to enlarge the express powers, but to enable Congress to carry the delegated powers into effect. And so far from its having the effect of enlarging the powers of Congress, it operates, and was doubtless intended, to operate as a restriction, a limitation upon the powers of Congress, for it does not authorize them to pass all such laws as they may deem expedient, but rigidly confines them down to such, as are *necessary* and proper, (not for creating new powers) but for carrying the enumerated powers into effect. And it cannot require an extraordinary stretch of penetration and sagacity to distinguish between the enactment of laws to carry given powers into effect, and the exercise of a power not named in the constitution, and the unrestrained exercise of which would be greater than all the rest combined, and which in time, like Aaron's serpent, would swallow up the rest.

For once concede to Congress the Banking power, and it needs no ghost to tell us that they will accumulate to themselves all the other answers of the government, the States and the people. I am ignorant that a construction of the federal constitution, different from the one for which I contend, which I believe to be conscientiously correct, has received the sanction of some of the greatest and best men, that this, or any other country has produced—men whose talents entitle their opinions to the exalted respect—the picture of whose lives reflected all the virtues, which adorn and embellish human nature, and whose patriotism was as pure and spotless, as their lives were useful and glorious. But were but men, and therefore liable to be mistaken; and however much I might be disposed to feel myself upon a coincidence of opinion with these matchless spirits of an age gone by, or with the opinion of my fellow-citizens, who concur with them in opinion, a solemn conviction on my mind, led me to the conclusion, as I have heretofore had occasion to remark, that is better to forego the benefits that result from the establishment of a National Bank of any kind, than to overstep the boundary of the constitution. I therefore adhere firmly to the opinion, that without an amendment of the federal constitution Congress have no power to incorporate a bank of any kind.

How far the operation and influence of such an institution might tend to mitigate the severity of the present pecuniary embarrassments of the country, I shall not, at this time, assume the province of divining. I incline strongly to the opinion, however, and my confidence in the correctness of that opinion is a source of infinite satisfaction to me, that the embarrassments of the people of this State, are in any means so great or extensive, as many, no doubt honestly, believe.

And, even if I should be mistaken in this opinion, it appears to me that I cannot be mistaken in supposing that prudence and sound economy in the contracting of debts, and promptness and punctuality in the payment of them when contracted, will be found much more effectual safeguards against pecuniary embarrassments, than any system of banking which the ingenuity of man can devise. That a Bank of the United States, founded upon proper principles (if the constitution permitted it,) would to some extent have the effect of establishing a uniform currency, and of affording many facilities to commerce, are propositions the truth of which have never been denied by me. And if the proposition were submitted for the first time to clothe Congress with that power, would be entitled to the most mature and deliberate consideration. But such is not the case. A Bank of the United States has, during the existence of the government, been in operation for forty years, within which period numerous banking institutions have been created by the different States. The last act incorporating a Bank of the United States has expired by the terms of its limitation, and the real question which now presents itself to the people of the State, and especially to those who are clothed in this great crisis of our affairs with the guardianship and protection of their interest, is, what effect would the resumption of such a power, and the establishment of such an institution have on the interests of the State institutions, and the private stock institutions created by the authority of the States. To regulate the currency, is the great benefit which the advocates of a national bank seem to expect from it. There are in the absence of a national bank but two descriptions of currency in circulation. Gold and silver and bank paper issued under the authority of the States. The value of the former is fixed and invariable, and requires no regulation, as its value is uniform throughout the nation. The value of the other, like all similar representatives of money is liable to be affected by those great convulsions in trade, from which no part of the commercial world ever has been or ever will be exempt, while mankind, under the controlling influence of a spirit of boundless speculation, continue to tax their ingenuity to find out new expedients and reject the salutary lessons of experience, and while it is believed to be the primary cause of all the evils under which a portion of every commercial community now labors. Would it be safe, prudent or wise, in the present known and admitted condition of our State institutions to encourage or consent to the establishment of a great national institution, clothed with the gigantic power, not only of regulating the issues, but of controlling every monied institution in the United States; thereby exerting an influence paramount to all the other banking institutions in the country, and imparting to, or withholding from, the breath of life at its mere volition?

The most anxious reflection upon the subject has satisfied my own mind, conclusively, that it would, in the present situation of affairs, be unwise, impolitic and fraught with the most dangerous consequences, to consent to the exercise of such a power by the general government. I trust, I shall not be suspected of hostility to the government of our common country. Indeed, I console myself with the reflection that on all proper occasions, I have manifested my devotion to it. I look upon it as the highest specimen of human wisdom and virtue, and my prayer is, that it will last

“Until the Stars shall cease to shine,
The sun himself grow dim with age,
And nature sink in years.”

either am I actuated by an unworthy spirit of jealousy towards those who administer it. Far, very far, from it. But it is the peculiar good fortune of the people of this country to live under a written constitution. Long as we confine ourselves within the written landmarks of that sacred instrument, we are secure; the very moment we overstep the bounds of the constitution, and resort to implication and construction, we, in the language of the great apostle of liberty, used in reference to this very subject, enter a boundless field, no longer susceptible of limit or definition. If a Bank of the United States be necessary, the great fountain of all undelegated power (the people) be appealed to, and that will settle definitively the momentous question. I have felt myself at liberty to enter somewhat at large into an expression of my views in relation to this subject, not only because it was one of prominent importance in the canvass which resulted in my election to the responsible station upon the duties of which, with unaffected diffidence, I am about to enter, but for the more weighty reason, that it is of vast importance to the people of this, as well as the other States; and upon the correct determination of which, the welfare of future generations will greatly depend.

The banking institutions of our own State present a subject of the gravest importance for the consideration of the public servants and representatives of the people. And I entertain no doubt that you, gentlemen, who are so justly distinguished by the confidence of your fellow citizens, will be fully alive to the importance of this interesting subject. It would be uncandid in me not to express to you the entire conviction resting on my mind, that the excessive issues of paper money and the easy facility with which it is obtained, are among the greatest evils that mark the present times. It is alike injurious to banks and the people. The one depreciates the value of paper money, and the other has a tendency to keep the people constantly in debt in pursuit of fleeting, visionary speculation. But we have the corrective in our own hands, and it is the part of wisdom to profit by the lessons of experience. Extreme circumspection in creating banking institutions and confiding the management of such as are already in existence to faithful and judicious agents, and constantly exercising over them that vigilant legislative control and supervision which duty and responsibility to a generous and confiding people indicate as necessary, will I entertain the most confident expectation and belief, shortly place the banking institutions of this State in that sound and healthy condition to which every good citizen must be deeply solicitous to see them restored. Indeed, the people, the only legitimate source of power in this favored land have an important task to perform in the accomplishment of this great work themselves.

Let them discard and discountenance the fallacious and delusive idea that they are rich in proportion to the amount of money they can borrow, or the quantity of property they can purchase upon credit. Let them remember that a state of pecuniary obligation and embarrassment, is not a state of freedom and independence. It is at best but mitigated servitude. This is not the proud and lofty spirit by which the better days of every Republic have been characterized, and I candidly confess to you, that I have seen with apprehension and alarm the disposition manifested by too many, to place themselves under obligations to the public to almost any amount, and to lean gently on the arm of the government to extricate them from embarrassments which had their origin in private contracts.

What would an American citizen think if he was told at his entrance into life that he was compelled to take upon him a load of debt, that the whole period of his existence, spent in the ordinary pursuits of gain, would be too short to enable him to pay. Instead of looking upon the government as the ark of his political safety, and the depository in which he could freely and cheerfully confide all his rights, he would view it with jealousy and distrust, as an absorbing monster, that would devour the proceeds of his days of toil, and exact from him by constant drains the earnings of a well spent life. And yet in these times of high speculation we see the young, and the old, and the middle aged, all rushing with eager petuosity into the fearful vortex of banking power, and in nine cases out of ten subjecting themselves to lives of peril, unrest and painful anxiety, and entailing upon their children poverty and ruin. Do not deny that under a government constituted as ours is, there should be a reciprocal relation and dependence between the Government and the people. But this Government has no means or power except what it derives from the people. And I consider it an axiom the truth of which should never be out of sight, that it is the only true policy of every wise administration of a popular representative government to render the Government dependant upon the will and the affections of the people, and to exempt the people as far as practicable from any dependence on the Government. The annals of history furnish us with the most instructive and portentous lessons upon this subject. The government of Rome winding itself by degrees into the confidence of the people, seduced her citizens from the paths of liberty and happiness: first, by providing for their amusement, by the exhibition of public games and shows; next by providing for their instruction; thirdly by assuming the payment of their debts; and feeding from the public granaries was the last sad act in the melancholy scene of departing liberty. I wish to avert from my country these evils; and if in the humble part I am destined to act on the theatre of public life, I should be instrumental either by precept or example, in bringing back or maintaining our public institutions in the pristine purity and simplicity in which they were conceived and practised by our ancestors, it will be an ample reward for the zeal and fidelity with which I am resolved to devote myself to the service of my country.

Entertaining the opinions I do upon the subject of personal dependance between the citizen and the State Government, it is but natural that I should be equally opposed to the dependance of the State institutions upon the General Government—and more especially, of any dependance upon the Federal Treasury. Keep the States without the pale, or influence of the Federal Treasury, and confine the Federal Government to its constitutional sphere of action, are maxims with me, established upon the reflection of which, I am capable. It is in this way and in this alone, that we can preserve that conservative principle, so often misquoted and misapplied, which lies at the bottom of our federal system.

I am, therefore, clearly in favor of a dissolution of the connection between the National Treasury, and our banking institutions, at the earliest period at which it can be effected. Indeed, such has long been my repugnance to that State of dependance, that I was utterly averse, at a time, when we were floating smoothly along on the pleasant wave of prosperity, to receiving that portion of the surplus revenue, which was allotted to this State, under a late law of the United States.

Not only, was I opposed to this measure, from an apprehension that it might form a pretext for taking money out of the pockets of the people, where it is always safest, when not required by the necessities of the Government; but for the more obvious reason, that communities or individuals who contract pecuniary obligations in prosperous times, will always be subjected to embarrassment and inconvenience, and not unfrequently to inability to discharge them, when those calamitous changes upon them, from which neither Governments nor individuals are exempt.

Nothing is better calculated to produce an harmonious action of our political system, than a frank and liberal interchange, and a candid opinion among those who are clothed, by the constitution, with the exercise of the powers appertaining to the different departments of the Government. Under the influence of this impression, I have at this, my entrance into office, expressed my sentiments in relation to the topics I have felt it to be my duty to notice, with the frankness that should always characterize intercourse between the servants of a free people, not doubting, for a moment, that they will be responded to in the same liberal and manly spirit, by those who are entrusted with the administration of other departments of the Government.

Perhaps the harmony of action cannot, in any way, be so well preserved and maintained, or by confining each department of the Government to its appropriate sphere of action, and the exercise of its powers as have been specially delegated to it. Those confided by the constitution to the department which I have been called, by the unbiased suffrage of a free people, are recommendatory and executive. And it affords me pleasure to state in this place and on this great public occasion, that the merit, labors and enlightened forecast, of my predecessors in this high office, especially those who have benefited the country by their services, nor embellish and adorn society by the constant exercise of intellectual, moral and social virtues for which they were so eminently distinguished; and who have translated to a brighter state of existence; have left unerring land marks to guide the footsteps of those who are disposed to imitate their examples, in administering the Government upon those sound principles of republicanism, which are the surest indications of superior intelligence and devoted patriotism.

The executive branch of the duties of the Chief Magistrate, is, in every light in which it can be viewed, a matter of infinite delicacy and importance. The faithful execution of the laws of an enlightened community, is a matter of the last importance to human society; and upon it depends to a great extent, that is beautiful in the theory or valuable in the practice of the Government, under which we live. I see such laws as the legislature in their wisdom may enact, faithfully executed, I consider as one of the most imperative requirements of the constitution. And although cases may occur in which it will be proper to mitigate the severity of our penal code, by tempering the judgment with mercy, by the exercise of that clemency with which the executive is invested by the constitution, these cases are marked by peculiar circumstances, and will form exceptions, rather than the general rule of official conduct, which a sacred sense of duty will compel me to pursue, while I continue to discharge the functions of Governor of the State of Alabama.

It is impossible to recur even for a moment to the painful subject of crimes and punishments, without being struck with the necessity of some great, radical and important change in this respect. Our penal code is too sanguinary, for the intelligence, and it is confidently believed, for the virtue, of the age in which we live.

If it be true, that it is the certainty, more than the severity of punishment, which operates as a preventive of crime, that great end would in my opinion, be much more effectually secured, by the amelioration of our system of punishments, which at present bear too close an affinity to the bloody code of middle ages. A professional life, not of very short duration, not barren of incidents calculated to awaken reflection upon this subject, so intimately connected with humanity, as well as public justice, has brought my own mind fully to the conclusion, that a well digested and properly arranged system of penitentiary punishments, would be the best that human wisdom could devise. Whether this be the proper time for introducing such a change is a question properly referable to the wisdom of the Representatives of the people. From the advanced period of your present session, at which I enter upon my official duties, I am not sensible of any necessity, for troubling you with an additional communication in the form of a regular message. And even if circumstances should hereafter render it proper, I shall find my law very much abridged, by the able and judicious views submitted to you by my immediate predecessor, who by a long life of faithful and patriotic public service has eminently entitled him to respect, esteem and gratitude of the people of this State, and in the correctness of whose views as submitted to you in his annual message, generally, I fully concur.

It would be doing violence to my own sense of duty, were I to omit upon this solemn and interesting occasion to tender to you, gentlemen, and through you to our common constituents, the deep and lasting sense of obligation I am under to the people of this State, for the honor they have conferred upon me in calling me to the highest office in their gift.

That obligation I can only hope to discharge, by a constant endeavor to perform with fidelity the various and important duties connected with the trust confided to me. And although I am too deeply conscious of the inadequacy of my ability to discharge in the manner that I could wish, and which the people have a right to expect, the multifarious duties connected with the chief magistracy of this State; so far as my right zeal and honest intentions can atone for incompetent abilities, I shall not be found wanting.

Conscious of the rectitude of my intentions and depending for support on the liberality and patriotic wisdom and goodness of divine providence, I shall enter upon the duties allotted to me by the constitution, with an immovable determination to be governed by no other principle, than a desire to promote the happiness, welfare and prosperity of the people of Alabama—uninfluenced by any other motive than the good of our beloved country.

The House resumed the consideration of the bill to appoint a board of commissioners for the improvement of the navigation of the Tombigbee river for other purposes; the question being upon Mr Carmack's motion to lay the bill on the table; which was taken and lost.

Mr Booker moved to amend by way of engrossed rider, to come in as an additional section to the bill as follows, to-wit: *And be it further enacted, That* sum of one hundred thousand dollars be and the same is hereby appropriated out of the three per cent fund, to aid in the completion of the Muscle Shoals dam, above Florence, the same to be under the control and management of the canal commissioners; *Provided*, that said amount shall not be applied to improvement until the Congress of the United States shall relinquish their right to said improvement; Mr Payne moved to lay the amendment on the table, which was carried.

Mr Lee moved the previous question, which was sustained, the main question being stated, "shall the bill pass;" was put and carried.

Those who voted in the affirmative are, messrs Speaker Aldridge Alston Baker Bates Beston Blake Br Brevard Burt Cane Clifton Cobb Cottrell Davis of B. Erwin Godbold Greening High Horton Johnson Lee Martin of B. Martin of P. May McClannahan of S. McClellan McLemore Morris Nelson Oliver Payne Parker Phillips Porter Prim Puckett Rogers Ross Scott of M. Shields Sheffield Smith of L. Skinner Slaughter Smith of D. Smith of M. Stephenson Tarrant Taylor Tiffin Toulmin; Weissinger Williams of P. and Williams of T.

Those who voted in the negative are, messrs. Beauchamp Booker Carnack Coman Cross Davis of M. Gann Gordon Hammond Jones of B. Jones of C. King Long McClannahan of M. McCord Perry-Priest Rawls Scott of J. Simmons of P. and Wilson.

The bill passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence: And then the House adjourned until to-morrow morning, 9 o'clock.

Tuesday, December 6.—Mr Speaker laid before the House a communication from the Secretary of State in relation to the distribution to the different counties, of such books of the decisions of the supreme court of the State of Alabama, as the officers of the several counties were entitled to; which communication was ordered to lie on the table.

Mr Clough presented the petition of captain William Simmons and his company of volunteers, praying compensation for certain services therein mentioned, which was read and referred to the select committee on Indian expenditures.

Mr Owen presented the petition of sundry citizens of Washington county, praying for the formation of an additional county on the west side of Tombigbee river; which was read and referred to the committee on county boundaries.

Accounts were presented by Messrs Martin of P. Williams of T. Davis of M. Booker; they were severally read and referred to the committee on accounts.

Mr Smith of M. from the committee on the State Bank, to whom had been read a resolution instructing said committee to obtain information from the presidents of the several State banks of the amount of liabilities incurred by the said banks and the directors of the said banks within the last year, &c., reported to the House a letter from the president of the branch of the bank of the State of Alabama, at Decatur, together with an exhibit shewing the liabilities of the president and directors of said bank as required; which was read. On motion of Mr Smith of M. Ordered, that the same lie on the table.

Mr Shields offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall on Wednesday next, at 12 o'clock, for the purpose of electing a solicitor of the 7th judicial circuit; which was adopted.

Ordered, that Mr Finley be added to the committee on the State Bank.

And then the House adjourned until to-morrow morning, 9 o'clock.

Thursday, December 7th, 1837.—Bills introduced.

By Mr Ross, a bill to be entitled an act to incorporate the town of Prairie Bluff, in the county of Wilcox.

By Mr Scott of J., a bill to establish a board of commissioners for the im-

provement of the navigation of Paint Rock River, in the counties of Jackson and Madison.

By mr McClellan, a bill to be entitled an act authorizing Wiley W. Madison, guardian of George W. Riley, to transfer said guardianship from the orphan's court of Jefferson county, to the orphan's court of Talladega county.

By mr Simmons of L., a bill to be entitled an act to appropriate a portion of the three per cent fund to the erection of a bridge in the county of Lauderdale which bills were severally read and ordered to a second reading on to-morrow.

Ordered, that leave of absence be granted to mr Cochran until Monday next.

Mr Perryman offered the following resolution: *Resolved*, (the Senate concurring) that the two Houses will proceed to-day at 12 o'clock, to elect a judge of the county court of Conecuh county; which was adopted. Ordered, that the clerk acquaint the Senate therewith, and ask their concurrence.

Mr Boston offered joint resolutions in favor of the annexation of Texas to the United States; which was read: mr Payne moved to amend the same by striking out the resolution of instructing our Senators in Congress: mr Carmack moved to postpone the further consideration of the resolutions until Monday next which was carried.

Mr Smith of m. from the committee on the State Bank, to whom had been referred a resolution instructing said committee to obtain information from the presidents of the several State Banks of the amount of liabilities incurred by the said presidents and the directors of the said banks, within the last year, &c., reported to the House a letter from the president of the branch of the bank of the State of Alabama at Montgomery, together with an exhibit shewing the liabilities of the president and directors of said bank as required; which was read. On motion of mr Smith of m. ordered, that the same lie on the table.

The bill entitled an act to aid the Selma and Tennessee rail road company, which was made the special order for this day, was taken up and read the second time, and made the special order for to-morrow at the hour of 11 o'clock.

Ordered, that the select committee to whom was referred the bill regulating the banks, have leave to sit on said committee during the time that the House may be in session.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills entitled an act to alter and amend in part an act therein named: an act to appoint additional surveyors in the counties of Barbour and Dallas; an act to amend the charter of the Linden rail road company, and an act to explain and amend the law in relation to attachments, were severally read a third time and passed. Ordered, that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

Engrossed bill entitled an act for the better regulation of trade in the city of Mobile, was read the third time: mr Lee offered the following amendment, by way of engrossed rider: *Provided*, that nothing in this act shall be so construed as to apply to any consignee, agent or commission merchant, who may receive any goods, wares or merchandize, which may be consigned to them or him from any place out of the limits of this State: provided also, that any of the securities who in pursuance of the regulations of this act may have signed the bond of any commission merchant, shall be permitted to surrender their principal upon application to the judge of the county court, being accountable for all liabilities previously incurred; and said judge shall have power, and is hereby required, in such case to notify such commission merchant or merchants, that their licence to discharge the duties of said profession is void, until they give other and sufficient security; provided that this act shall not take effect until the first Monday in

February next; which was carried. Mr Shields moved to amend the amendment offered by Mr Lee, by the following engrossed rider by way of proviso: And provided further, that this act shall not take effect until the first Monday in August next: Mr Erwin moved to lay the amendment (offered by Mr Shields) on the table; which was carried.

The yeas and nays being desired those who voted in the affirmative, are Messrs. Speaker Aldridge Address Blake Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cook Cottrell Cross Daniel Davis of B. Davis of M. DeJarnett Erwin Finley Gann Gordon Hammond Jones of B. Jones of C. King Lee Long Martin of B. Martin of P. May McAlpin McMcClannahan of S. McClellan Morris Parker Payne Perryman Prim Rawls Ross Scott of J. Sheffield Simmons of L. Simonton Skinner Smith of D. Spencer Tarrant Taylor Tiffin Vining Williams of H. Williams of P. and Womack.

Those who voted in the negative, are Messrs. Ashurst Baker Bates Beauchamp Booker Coman Godbold Greening High Horton McClannahan of M. McCord McLemore Nelson Oliver Owen Phillips Porter Priest Puckett Rogers Scott of M. Shields Simmons of P. Slaughter Stephenson Toulmin Weissinger and Wilson.

Mr Jones of B. moved to amend by an additional section as follows: Sec. And be it further enacted, that in addition to the oath prescribed in the second section of this act, the said commission merchant, factor, broker or agent, shall take the following oath: "That I will not demand, or receive, or suffer others to receive for me (while I exercise the duties of commission merchant, factor, broker or agent, for others in the city of Mobile) more compensation for such services than per cent on the nett proceeds of all sales, as well as the purchase of wares, goods and merchandize, as of the sales of cotton.

A message from the Senate by Mr Childress, their assistant secretary, was received, to wit:—Mr Speaker: The Senate concur in the resolution from the House of Representatives, to go into the election of a judge of the county court of Conecuh county, to-day at 12 o'clock; also for a solicitor for the seventh judicial circuit (Thursday.)

On motion of Mr Perryman, *Resolved*, that the Senate be now invited into the Representative Hall for the purpose of electing a judge of the county court of Conecuh county, and solicitor of the 7th judicial circuit. The Senate then repaired to the Hall and took their seats.

The two Houses then proceeded to the election of a solicitor for the seventh judicial circuit: Gideon B. Frierson, Philip S. Glover and Wm. B. Ochiltree being in nomination.

Those who voted for Mr Frierson are, messrs President Crabb Devcreaux Farrar Goyue Henderson Hill Hudson Moore Musgrove Rather Riddle Smith Spann Watrous Wellborn and Wilson, of the Senate: messrs Aldridge Baker Beauchamp Bestor Blake Boston Brashier Cane Clifton Clough Cobb Coman Davis of M. Davis of B. DeJarnett Gordon Gann Greening Hammon Johnson Jones of B. Jones of C. King Lee Long May McClannahan of M. McClannahan of S. McClellan Morris Nelson Parker Perryman Smith of D. Puckett Rogers Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Prim Priest Spencer Stephenson Tarrant Taylor Tiffin Vining Williams of P. Williams of T. and Womack. of the House of Representatives.

Those who voted for Mr Glover are, messrs Burke Frazier Posey Roberts Simmons Terry and Wallace, of the Senate; messrs Booker Carmack Cross Daniel Finley Godbold High Horton Martin of P. McLemore Payne Rawls Scott of J. Shields Simonton Toulmin and Wilson, of the House of Representatives.

Those who voted for Mr Ochiltree are, messrs Elmore Lee Mays and Rains of the Senate: messrs Speaker Address Ashurst Bates Brevard Burt Calhoun Cook Cottrell Erwin McAlpin McCord Oliver Owen Phillips Porter Ross Scott of M. Weissinger and Williams of H. of the House of Representatives.

Gideon B. Frierson having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected solicitor for the seventh judicial circuit of this State.

The two Houses then proceeded to the election of a judge of the county court for Conecuh county, Henry F. Sterne alone being in nomination.

Mr Sterne having received all the votes given, 109, was declared by Mr Speak-

er duly and constitutionally elected judge of the county court for the county of Conecuh. The Senate then withdrew.

The House then resumed the consideration of the bill for the better regulation of trade in the city of Mobile: Mr Cottrell moved the previous question; Bates moved a call of the House; which was lost. The question then recurred Mr Cottrell's motion, and carried. The main question being then put, "shall the bill pass," there were yeas 59, nays 26.

The yeas and nays being desired those who voted in the affirmative, are messrs Speaker Aldridge Address Blake Boston Brashier Brevard Burt Carmack Cane Clifton Clough Cobb Cook Cottrell Cross Daniel Davis of B. Davis of M. DeJarnett Erwin Finley Gann Gordon Hammond High Jones of B. Jones of C. King Lee Long Martin of P. May McAlpin McClannahan of S. McClellan Morris Parker Payne Perryman Prim Haws Ross Scott of J. Simmons of L. Simmons of P. Simonton Skinner Smith D. Smith of M. Spencer Tarrant Taylor Tiffin Vining Weissinger Williams of H. Williams of P. Womack.

Those who voted in the negative are, messrs Baker Bates Beauchamp Booker Coman Greening Horton Johnson McClannahan of M. McCord McLemore Nelson Oliver Owen Porter Priest Puckett Rogers Scott of M. Sheffield Shields Slaughter Stephenson and Wilson.

So the bill passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes, which was made the special order of the day for this day, was taken up and read the second time. Mr McCord moved to amend the bill by way of proviso, to come in at the end of the fourth section. The House then adjourned till 3 o'clock, P. M.

Evening session.—Mr Toulmin moved to have his vote recorded in the negative on the passage of the bill for the better regulation of trade in the city of Mobile; which was carried.

The House resumed the consideration of the bill to establish a board of commissioners to improve the navigation of the Coosa river, and for other purposes.

The amendment proposed by Mr McCord being under consideration, Mr Porter moved to lay the amendment on the table; which was carried.

Those who voted in the affirmative are, messrs Speaker Aldridge Address Baker Bates Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Clough Cobb Cook DeJarnett Erwin Finley Godbold Hammond Horton Jones of C. Long Martin of B. Martin of P. May McClannahan of S. McClellan Morris Nelson Oliver Owen Parker Payne Phillips Porter Prim Puckett Ross Scott of M. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Spencer Tarrant Taylor Tiffin Toulmin Vining Weissinger Williams of T. Williams of P. and Womack.

Those who voted in the negative are, messrs. Beauchamp Coman Cottrell Daniel Davis of B. Davis of M. Gann Gordon Greening Jones of B. King McClannahan of M. McCord Perryman Priest Rogers Simmons of P. Smith of M. Stephenson Williams of H. and Wilson.

Mr Perryman then moved to lay the bill on the table, which was lost. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Womack called up the bill from the Senate to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road; which was read the second time and ordered to a third reading on to-morrow.

The engrossed bill to be entitled an act the better to regulate the taxing of papers and shows; was read a third time and passed.

Those who voted in the affirmative are, messrs Aldridge Address Baker Beauchamp Bestor Blake Boston Brashier Burt Calhoun Cane Carmack Cobb Cook Cottrell Cross Daniel Davis of B. Davis of M. DeJarnett Erwin Finley Gann Greening Godbold Jones of B. Jones of C. King Martin of P. Martin of B. May McAlpin McClellan McLemore Morris Oliver Parker Payne Perryman Phillips Priest Prim Puckett Ros Rogers Scott of M. Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Spencer Tarrant Taylor Tiffin Weissinger Williams of P. and Wilson.

Those who voted in the negative are, messrs Speaker Booker Brevard Clifton Coman DeJarnett Hammond Horton Johnson Long McClannahan of M. McClannahan of S. Nelson Owen Porter Scott J. Sheffield Shields Smith of M. Tarrant Toulmin Vining Williams of H. and Williams of T.

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The bill to be entitled an act to regulate the wages of the door-keeper of the House of Representatives; was read the second time. Mr Erwin moved to amend the bill by adding at the end of section one; which was carried; mr Porter moved to amend by adding an additional section to the bill as section two; mr Priest moved to lay the bill and amendment on the table; which was lost: the question recurred on mr Porter's motion to amend; and was carried: mr Payne who voted with the majority on mr Porter's motion to amend, moved to reconsider the vote taken thereon; which was carried, and the vote reconsidered; the question was then again taken on the adoption of mr Porter's amendment, and carried.

Those who voted in the affirmative are, Messrs Speaker Address Baker Bates Beauchamp Blake Book-
er Brevard Cane Clifton Cook Cottrell Daniel Davis of M. Erwin Godbold Gordon Greening Horton
Johnson Jones of B. Martin of B. May McAlpin McClannahan of m. McClannahan of S. McClellan
McCord McLemore Nelson Owen Porter Prim Rawls Ross Scott of m. Shields Skinner Slaughter Smith
of D. Smith of m. Toulmin Vining Weissinger Williams of H. Williams of T. and Womack.

Those who voted in the negative are, Messrs Aldridge Bester Boston Brashier Burt Calhoun Carmack
Cobb Coman Cross Davis of B. DeJarnett Hammond Jones of C. King Lee Long Martin of P. Oliver
Parker Payne Perryman Phillips Priest Puckett Rogers Scott of J. Sheffield Simmons of p. Simmons of
L. Spencer Stephenson Tarrant Taylor Tiffin Williams of P. and Wilson.

Mr Calhoun moved to amend the bill by way of proviso; which was carried.
The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Speaker laid before the House a communication from the cashier of the branch of the bank of the State of Alabama at Mobile, with an accompanying document; which was read and referred to the committee on the State Bank.

Mr Martin of B. offered the following resolution: *Resolved*, that hereafter the evening session of the House shall adjourn to meet at 10 o'clock; which under the rule of the House, lies over one day for consideration: and then the House adjourned until to-morrow morning 9 o'clock.

Friday, Decembe. 8th.—A message from the Senate by mr Childress, their assistant secretary—Mr Speaker: The Senate have passed a bill, which originated in the House of Representatives, of the following title, viz: An act to appoint a committee of finance in the counties of Pike and Henry, and for other purposes. They have also adopted the following resolution, *Resolved*, that with the concurrence of the House of Representatives, the two Houses of the General Assembly will on Thursday the 21st instant, adjourn sine die. Mr Womack moved to lay the resolution of the Senate on the table; which was lost.

Those who voted in the affirmative are, Messrs Speaker Booker Boston Brashier Cane Carmack
Clifton Davis of B. Davis of m. Martin of B. McClellan Morris Nelson Payne Porter Simmons of L.
Slaughter Smith of D. Stephenson Toulmin Vining Weissinger and Williams of P.

Those who voted in the negative are, Messrs Aldridge Address Baker Bates Beauchamp Blake Burt
Calhoun Clough Cobb Coman Cottrell Cross Daniel De Jarnett, Finley Gann Gordon Greening Ham-
mond High Horton Jones of B. Jones of C. Lee Long Martin of P. McAlpin McClannahan of m. Mc-
Clannahan of S. McCord McLemore Parker Perryman Phillips Prinn Puckett Rawls Rogers Ross
Scott of J. Sheffield Simmons of P. Skinner Smith of m. Spencer Tarrant Tiffin Williams of H. Wil-
son and Womack.

Mr Clifton moved to striko out "21st," and insert in lieu thereof "20th;"
Mr Erwin moved to strike out "21st," and insert in lieu thereof "23d:" a divi-
sion of the question being called for, the question was first taken on striking out
"21st," and lost.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Beau-
champ Bester Booker Boston Brashire Carmack Davis of B. Davis of m. DeJarnett Erwin Godbold
Greening Horton Jones of C. Martin of B. McClannahan of M. McClannahan of S. McClellan Mor-
ris Nelson Oliver Payne Phillips Porter Priest Ross Simmons of L. Slaughter Stephenson Vining Weissin-
ger Williams of P. and Womack.

Those who voted in the negative, are Messrs Aldridge Address Ashurst Bates Blake Brevard Burt Cal-
houn Cane Clifton Clough Cobb Coman Cook Cottrell Cross Daniel Finley Gann Gordon Hammond
High Johnson Jones of B. King Long martin of P. McAlpin McCord McLemore Parker Perryman Prim
Puckett Rawls Rogers Scott of J. Sheffield Simmons of P. Skinner Smith of m. Spencer Tarrant Tiffin
Toulmin Williams of H. and Wilson

Mr Priest moved to amend by way of proviso, "provided that the basis that we came here to do as representatives of the people shall be complete which was laid on the table. The resolution was then concurred in.

A message from the Senate by Mr Childress, their assistant secretary—Speaker: The Senate have passed engrossed joint resolutions to adopt and provide for the printing and distributing the militia laws prepared by Generals Crabb and Bradford, and for other purposes, and have amended the same by an additional proviso as therein shewn; they have also read three times the revised code of militia laws as prepared by Generals Crabb and Bradford, and have passed the Senate, and amended the same as therein shewn; in all of which they concur the concurrence of your honorable body.

Joint resolutions of the Senate to adopt and provide for the printing and distributing the militia laws, prepared by Generals Crabb and Bradford, and for other purposes; was read and ordered to a second reading on to-morrow.

The bill from the Senate entitled the revised code of militia laws was read. Mr Cobb moved to lay the bill on the table, which was carried.

Mr Clough presented the accounts of William P. Merriwether, of Madison county; which was read and referred to the select committee on Indian expenditures.

Mr Johnson presented the petition of sundry citizens of Marshall county praying the passage of a law to locate the seat of justice in said county; which was read, and on motion of Mr Johnson, was ordered to lie on the table.

Mr Johnson presented the petition of sundry citizens of Marshall county, praying the passage of a law to authorise William Law to retail spirituous liquors without paying the tax on license; which was read and referred to the committee on propositions and grievances.

Mr Cane presented the petition of sundry citizens of Walker county, praying the passage of a law incorporating the town of Jasper, in said county; which was read and referred to the committee on propositions and grievances.

Mr Scott of M. from the committee on ways and means, made the following report: "The committee on ways and means, to whom was referred a resolution instructing them to inquire into the propriety of asking the general government an equivalent in money or land to make up the difference between the original sixteenth sections taken by Indian locations, and the land set apart in lieu thereof, have had the same under consideration, and have instructed me to report a bill entitled an act in relation to the sixteenth sections in that portion of the State of Alabama, acquired by treaty with the Creek tribe of Indians;" which was read and ordered to a second reading on to-morrow.

Mr Skinner made the following report: The committee on roads, bridges and ferries, to whom was referred the petition of the citizens of Chambers county asking to be released from the fines assessed before a justice of the peace against defaulters for not working on the roads, agreeably to the statute in such cases made and provided, have had the same under consideration, and have instructed me to report that it is inexpedient to legislate on the subject; and ask leave to be discharged from the further consideration thereof.

Mr Horton from the select committee to whom was referred the petition of sundry citizens of Madison county, have had the same under consideration, and instructed me to report a bill to be entitled an act to incorporate the North Alabama jockey club association; which was read and ordered to a second reading on to-morrow.

Mr Marten of B. introduced a bill entitled an act to alter and change the manner of electing members to the Congress of the United States; which was read. Mr Calhoun moved to lay the bill on the table; which was carried.

Mr Martin of B. introduced a bill the better to regulate the collection of debts owing to the bank of the State of Alabama, and its several branches, in the counties therein named; which was read and ordered to a second reading on to-morrow.

Mr Wilson offered the following resolution: *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency of increasing the salary of the trustees of the University of the State of Alabama, and report by bill or otherwise; which was lost.

Mr Bates introduced a bill to be entitled an act to amend and supplemental to an act entitled an act for the better regulation of trade in the city of Mobile, which was read and ordered to a second reading on to-morrow.

Mr Horton introduced a bill to be entitled an act to appropriate a certain sum for the completion of the Muscle shoals canal; which was read and made the special order of the day for Monday next at 12 o'clock.

Mr Weissinger called up the bill to be entitled an act to provide for the inspection of cotton in the city of Mobile; which was read and made the special order of the day for Monday next at 11 o'clock, A. M.

Ordered, that five members of the committee on the State Bank be a sufficient number to make a quorum.

Mr May called up the report of the branch of the bank of the State of Alabama at Mobile; which was read and referred to the committee on the State bank.

The House took up the bill entitled an act to aid the Selma and Tennessee rail road company; which had been made the special order for to-day at 11 o'clock.

Mr Scott of J. moved to amend the same by inserting as follows: after the word "from" in the third line of section one, insert "the surplus revenue in;" add to the second section the following: "or sooner if the general government should call upon the State for the surplus revenue," and after "1848," in the third line of section six, insert "or when the general government shall demand repayment of the surplus revenue;" which was carried.

Mr Scott of J. moved further to amend by an additional section seven as follows: "And be it further enacted, that the said company shall be required to strike the Tennessee river with their rail road, within five miles of Gunter's landing, and this act shall not take effect until said company shall have notified the Governor of their acceptance to the amendment to their charter contained within this section; which was carried: Mr Calhoun moved to amend by striking out in the fifth section, second line, the word "equal," and insert the word "double;" which was carried: Mr Smith of m. moved to lay the bill and amendments on the table; which was carried.

Those who voted in the affirmative are, messrs Aldridge Ashurst Beauchamp Blake Booker Boston Brashier Cane Carmack Coman Davis of B. Davis of m. DeJarnett Erwin Gann Gordon Horton Jones of B. Jones of C. Long Martin of P. May McAlpin McClannahan of m. Parker Payne Perryman Priest Rawls Ross Simmons of L. Simmons of P. Skinner Slaughter Smith of m. Spencer Stephenson Tarrant Taylor Tiffin Vining Williams of B. Williams of P. and Womack.

Those who voted in the negative are, messrs Speaker Baker Burt Calhoun Clifton Clough Cobb Cook Cottrell Cross Daniel Finley Godbold Greening Hammond High Johnson King Lee Martin of B. McClannahan of s. McClellan McCord McLemore Morris Nelson Oliver Phillips Porter Prim Puckett Scott of J. Sheffield Shields Simonton Smith of D. Toulmin Weissinger and Wilson.

A message was received from his Excellency the Governor, by Mr Gooch his private secretary.

Executive Department, December 8, 1837.

To the Hon. James W. McClung, Speaker of the House of Representatives—
Sir: In compliance with a resolution of the House of Representatives, I herewith have the honor to lay before you the accompanying copies of letters from my predecessor, Governor Clay, to Major General Boothe and Col. William

Foster, and from General Boothe to Governor Clay, which affords the only evidence in relation to the requisitions made on the fifth division of Alabama militia, for the purpose of repelling Indian incursions in possession of this department.

I have the honor to be, with great respect,

A. P. BAGBY.

Which communication, together with the accompanying documents, were referred to the select committee on Indian expenditures.

The bill to be entitled an act to authorise the persons therein named to raise loan on behalf of the State of Alabama, of five millions of dollars, having been made the special order of the day for to-day, was taken up and read. Mr Smith of m. moved to postpone the further consideration of the bill until Monday next which was carried.

Mr McClellan from the committee on enrolled bills; made the following report: The committee on enrolled bills, have examined and find correctly enrolled, bills of the following titles: An act for the protection of the remains of the dead, and for other purposes: and an act to require the several medical boards of this State to keep a seal of office, and for other purposes.

The bill entitled an act to provide for taking the census for the year 1888 which had been made the special order of the day for this day, was taken up and read the second time, and referred to a select committee, consisting of messrs Payne, Calhoun and Erwin.

The House then adjourned until 3 o'clock P. M.

Evening Session, December 8.—Mr May called up the communication and accompanying report of Henry L. Martin, commissioner to audit and settle the claims growing out of Indian hostilities; which was read and referred to the select committee on Indian expenditures.

Mr Jones of B. called up the bill to be entitled an act more permanently to secure the banks of this State against fraud and collision; which was read and referred to the committee on the State bank.

The bill from the Senate entitled an act to amend an act, incorporating the subscribers to the Alabama, Florida and Georgia rail road; was read the third time and passed.

Those who voted in the affirmative are, messrs Speaker Address Ashurst Baker Boston Booker Brasher Burt Calhoun Cane Carmack Clifton Cobb Coman Cook Cottrell Daniel Davis of B. Davis of B. DeJarnett Erwin Finley Gann Godbold Gordon Greening Hammond High Horton Johnson Jones of B. King Lee Martin of B. Martin of p. May McAlpin McClannahan of m. McClannahan of s. McClellan McCord McLemore Morris Nelson Oliver Parker Payne Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of m. Sheffield Simmons of L. Skinner Slaughter Smith of B. Smith of m. Spencer Stephenson Tarrant Taylor Tiffin Vining Weissinger Williams of H. Williams of p. Williams of T. Wilson and Womack.

Those who voted in the negative are, messrs Aldridge Bates Beauchamp Boston Cross Jones of C. Long Simmons of P. and Toulmin.

Ordered that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes; was read a third time and passed.

Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill entitled an act to amend the patrol laws now in force, was read the second time. Mr McClannahan of m. moved to lay the bill on the table; which was carried.

The bill entitled an act to incorporate the Dallas rifleman company of volunteers; was read the second time and referred to a select committee, composed of the delegation from the county of Dallas.

The bill entitled an act to compensate certain persons therein named, for work done for the State, was read the second time and referred to the committee on late printing.

The bill entitled an act to regulate the drawing and summoning jurors for the county of Talladega, was read the second time and referred to a select committee consisting of Messrs. Martin of B., McClellan and Cobb.

The bill entitled an act authorizing John Orr to erect gates, was read the second time and laid on the table.

Bills entitled an act to provide for the sale of lands and slaves in the town of Courtland, in certain cases, an act to divorce Dory Ann Hall from her husband Henry M. Hall; an act to authorize John Brandon and his associates to turnpike a road therein named, an act to divorce Rebecca Beaty from her husband Eze-kiel A. Beaty, and an act to incorporate the Franklin Academy in the town of Macon, were severally read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to establish an additional precinct in the county of Tallapoosa, was read the second time and referred to the committee on privileges and elections.

The bill from the Senate entitled an act to compensate certain person for articles furnished troops while in the service of the United States, was read a second time and referred to the select committee on Indian expenditures.

The bill from the Senate entitled an act to declare Attabby creek in the county of Henry a public highway and for the purposes therein named, was read the second time. Mr Williams of H. moved to amend the same by way of proviso to come in after the word "mills," the words "or fish traps;" which was carried; the bill was then ordered to a third reading on to-morrow.

Mr Speaker laid before the House the record and proceedings of the circuit court of Mobile county in the case of Henrietta M. Montague vs. Joseph H. Montague; which was read and referred to the committee on divorce and alimony.

The bill entitled an act to incorporate the Artillery Borderers, was read the second time and referred to the committee on military affairs

The bill entitled an act to declare Uphanpie creek a public highway, was read a second time. Mr Morris moved to amend the same in the last line of the last section by striking out the words "for the use of the county of Macon," and inserting "for the person suing for the same;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill entitled an act for the removal of a part of the capital of the Branch of the Bank of the State of Alabama at Mobile and for other purposes, was read the second time and referred to a select committee to consist of Messrs. Calhoun, Phillips, Porter and Lee. Mr Williams of T. offered the following amendment to the fifth line in the 30th rule after the word "deliberately" the following words "unless otherwise ordered by the House;" which lies over one day for consideration.

Mr Smith of D. offered the following resolution: *Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative hall on to-morrow, 9th instant, at 12 o'clock, for the purpose of electing a judge of the county court for the county of De Kalb; also State Treasurer and Comptroller of Public Accounts; which was adopted. Ordered, that the clerk acquaint the Senate thereof and ask their concurrence.

Mr Erwin made the following report: The select committee to whom was referred a proposed amendment of the 30th rule of the House have had the same under consideration and have instructed me to report the following as a

substitute for said amendment; at the end of the 30th rule of the House, in
 "Provided, that after private or local bills shall have been read by the clerk
 information it shall not be necessary to read them through again by sections, un-
 less the same shall be called for by some member of the House." In which
 report the House concurred.

The bill entitled an act to regulate testimony in certain cases, was read
 second time and referred to the judiciary committee.

Joint resolutions proposing amendments to the constitution of the State of Ala-
 bama, so as to have biennial sessions of the General Assembly thereof, were
 read. Mr Address moved to amend the same; they were then referred to the
 judiciary committee.

The bill entitled an act to incorporate the Monroe company of volunteer
 firemen in the county of Monroe, was read the second time and ordered to
 engrossed for a third reading on to-morrow.

The bill entitled an act for the relief of William Sizemore and others, was
 read the second time and referred to a select committee composed of the dele-
 gation from Monroe, Baldwin and Mobile.

The bill entitled an act to regulate the manner of issuing writs of Habeas Corpus
 was read the second time and referred to the judiciary committee.

The House then adjourned until to-morrow morning at 9 o'clock.

Saturday, December 9, 1837—The House met pursuant to adjournment.

Mr Owen presented the petition of sundry citizens of Washington county
 praying the formation of a new county on the west side of Tombecbee river
 which was read and referred to the committee on county boundaries.

Mr Carmack presented the petition of sundry citizens of the 16th section
 township 3, range 12 west, in the county of Lauderdale, praying the passage
 of a law authorizing the citizens to send their children or wards to school out of
 said township, &c.; which was read and referred to the committee on education.

Mr Ashurst presented the petition of sundry citizens of Montgomery county,
 praying the removal of a certain election precinct therein named, and another
 established in lieu thereof; which was read and referred to the committee on
 privileges and elections.

Mr Taylor presented the account of James Rather; which was read and re-
 ferred to the committee on accounts.

Mr Bestor presented the petition of sundry citizens of Greene county, praying
 the establishment of an election precinct at Mount Hebron in said county; which
 was read and referred to a select committee composed of the delegation from
 Greene county.

Mr Erwin presented the memorial and account of the Greensborough Light
 Artillery Guards; which was read and referred to the select committee on In-
 dian expenditures.

Mr Skinner from the committee on roads, bridges and ferries, made the fol-
 lowing report: The committee on roads, bridges and ferries to whom was refer-
 red the petition of sundry citizens praying for a turnpike road therein named
 have had the same under consideration and have instructed me to report a bill
 entitled an act to authorize David Shelton and his associates to turnpike a road
 therein named; which was read and ordered to a second reading on Monday
 next.

Mr Oliver presented the petition of sundry citizens of Montgomery county
 praying to have abolished and established certain election precincts therein nam-
 ed; which was read and referred to the committee on privileges and elections.

Mr Martin of B. introduced a bill to be entitled an act for the relief of the

priff of Benton county; which was read and ordered to a second reading on Monday next.

Mr McLenore introduced a bill to be entitled an act to incorporate the Dudleyville academy in the county of Tallapoosa; which was read and ordered to a second reading on Monday next.

Mr Bates availing himself of the constitutional right presented to the House his protest, setting forth his reasons for voting against the bill entitled an act for the better regulation of trade in the city of Mobile, and asked that it might be spread on the journal of the House; which was read. Mr Martin of B. moved to lay the same on the table. Mr Bates made a point of order as to Mr Martin's motion. Mr Speaker decided the motion of Mr Martin to be in order.

A message was received from the Senate by Mr Connor their secretary, to wit—Mr Speaker: The Senate concur in the resolution of the House of Representatives to elect a judge of the county court of De Kalb and a State Treasurer and Comptroller of Public Accounts, on this day at 12 o'clock, 9th December, 1837.

A message from the Senate by Mr Connor, their secretary as follows—Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles, viz: an act to regulate certain judicial proceedings; an act to change the time of holding the circuit courts of the eighth judicial circuit of the State of Alabama; an act to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette and for other purposes, and have amended the same by striking out all after the enacting clause and insert as therein shown; an act to compensate the commissioners of roads and revenue in the county of Cherokee; an act to raise a revenue for the county of Tallapoosa and for other purposes; an act to authorize Eliza A. Thompson guardian of Louisa C. Ely to transfer said guardianship from the orphans' court of Madison county to the orphans' court of Talladega county; an act to authorize Polite Collins to inherit real estate and have amended the same as therein shewn; an act to incorporate the town of Oakville in the county of Lawrence; an act to amend an act for the establishment of schools in the county of Mobile and to provide a fund for the maintenance of the same, passed December 19th, 1836; an act to authorize Richard D. Shackelford to erect a toll bridge over the Suckernatchee river and have amended the same as therein shewn. They have also passed bills which originated in the Senate of the following titles: an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries, also defending the rights and liabilities of the owners thereof; an act to compensate the Secretary of State for certain services therein named; an act to exonerate persons over forty-five years of age from patrol duty; an act to define the limits of the town of Sommerville in the county of Morgan and incorporate the same; an act to change part of the line between the first and thirty-fifth regiment of Alabama militia; an act to provide for the payment of horses lost while in the service of the United States; an act to repeal an act entitled an act to authorize the sheriff of Jefferson county to serve process issued by justices of the peace for said county, approved 22d December, 1836; an act to amend an act entitled an act to authorize the building of a court house in the county of Morgan; an act to provide for the payment of provisions and other articles furnished the troops while in the service of the United States; an act to authorize the judge and commissioners of roads and revenue of Fayette county to levy a special tax and for other purposes; an act to incorporate the town of Trenton in the county of Jackson; an act to repeal an act approved 22d December, 1836, and for other purposes; an act to incorporate the

own of Pickensville in Pickens county; an act to authorize Wiley H. James S. Harris and their associates and assigns to construct a wharf on the Iapooosa river in the limits of the town of Tallasse; an act to incorporate the benevolent and naturalization society of the city of Mobile; an act to amend the laws against duelling; an act to incorporate the Mobile aqueduct company; an act for the relief of the Merchants fire engine company, No. 4, in the city of Mobile; an act to incorporate the West Wetumpka wharf and ware company; in which they ask the concurrence of the House of Representatives.

Mr Smith of D. offered the following resolution: *Resolved*, That the Senate be now invited to assemble in the Representative hall for the purpose of proceeding into the election of a judge of the county court of De Kalb, State Treasurer, Comptroller of Public Accounts; which was adopted. Ordered, that the Senate be acquainted therewith.

The Senate repaired to the Hall of Representatives and took their seats.

The two Houses then proceeded to the election of a judge of the county court of De Kalb county; Pollydore Naylor being alone in nomination. Naylor having received all the votes given Mr Speaker declared him duly and constitutionally elected judge of the county court for De Kalb county.

The two Houses then proceeded to the election of a Comptroller of Public Accounts; Jefferson C. Van Dyke alone in nomination. Mr Van Dyke having received the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Comptroller of Public Accounts for the time prescribed by law.

The two Houses then proceeded to the election of a State Treasurer; William Hawn alone being in nomination. Mr Hawn having received the whole number of votes given, Mr Speaker declared him duly and constitutionally elected State Treasurer for the time prescribed by law. The Senate withdrew.

The House then resumed the consideration of the subject relative to the protest of Mr Bates. Mr Horton moved to postpone the subject until Monday next; which was lost.

The question then recurred on Mr Martin's of B, motion to lay on the table; which was lost.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Andrew B. Cashier Cane Clifton Davis of B. DeJarnett Gann King Lee Martin of B. Martin of P. May Paul Sims of L. Simmons of P. Skinner Tarrant Vining Williams of P. and Womack.

Those who voted in the negative, are Messrs Speaker Aldridge Ashurst Baker Bates Beauchamp Blake Booker Burt Calhoun Carmack Clough Cobb Coman Cook Cottrell Cross Daniel Davis of P. Finley Godbold Gordon Greening Hammond High Horton Johnson Jones of B. Jones of C. Long Le Alpin McClannahan of M. McClannahan of S. McClellan McCord McLemore Morris Nelson of Owen Perryman Phillips Porter Priest Puckett Rogers Ross Scott of J. Sheffield Shields Slaughter Smith of D. Smith of M. Spencer Stephenson Taylor Toulmin Weissinger Williams of T. and Wilson.

Ordered, that the protest be spread on the Journals; which is as follows:

Availing myself of the privilege and right secured to me by the 18th section of the 3d article of the constitution, which no resileless or feyerish call for the previous question can either cut off, defeat or suspend. I hereby enter my solemn protest, as one of the Representatives of the county of Mobile against the passage of the bill entitled "an act for the better regulation of trade in the city of Mobile." Because as I do, under the imposing admonition of the oath taken before I was admitted to a seat upon the floor, that the constitution of Alabama will be invaded both in its spirit and its letter, that its bill of rights will be trampled under foot, that the rights of the citizens of Alabama and more especially of the citizens of Mobile whom I have the honor to represent will be violated: that the most odious of all burthens because it is *partial* and not *general* is attempted to be imposed upon a large, intelligent, and highly respectable class of those citizens: and that the bill is impolitic as it is odious and unjust. I cannot give the sanction of my vote, but upon this occasion and in this form do most religiously *protest* against an unholy bill of attainder. Shall it be said that the office of commission merchant, so constituted by this bill, shall not be exercised in the city of Mobile except under the most rigorous and disgraceful

ons, whilst the same class of citizens in every other section of this State is left free and unincum-
 ? This feature of the bill alone should cause the blush of shame to mantle the cheek of its author,
 he heedlessly precipitate majority who have ministered to the infliction of the foul stain upon the
 r and dignity of the State. I do not complain that all commission merchants or agents throughout
 State are not embraced in the provisions of this bill, but I do most solemnly remonstrate against the
 tion of my constituents as the chosen victims of the most unfounded suspicions, the most unnatu-
 cture of mercantile fraud, as embodied in this bill. A bill forced through this House, not only by
 ted calls for the previous question, by the friends of the bill, whereby all attempts to amend it in
 a manner as to obviate some of its most odious features were cut off, but by the most wanton mis-
 sentations and allegations without either proof or probability to sustain them; for when members
 called upon by me, in their places, to adduce the proof of their reiterated charges, they have either
 ly evaded the question or adduced mere hearsay testimony. Not only are the citizens of Mobile,
 are termed in this bill commission merchants, agents, and factors, declared to be *public malefac-*
 should they violate any of its enactments, but an insult the deepest and most lasting which an honest,
 minded end enlightened people can receive, is offered in that clause which departs from the usage,
 principles of our system of jurisprudence, and indirect and palpable violation of our *bill of rights*,
 h declare in its first section, "all freemen to be equal in rights, and that no man or set of men shall
 ntitled to any exclusive privileges;" and in its 10th section provides that "in all prosecutions by *in-*
ment or information, a speedy public trial by an impartial jury of the *county or district* in which
 offence shall have been committed:" drags the commission merchant, agent or factor from the courts
 is own county, to be tried by a jury of his accusers in another.

any cases of gross fraud in obtaining advances of money upon false pretences such as misrepresent-
 he quantity and quality of crops, or after obtaining advances sending the crop to other merchants,
 out instructions to pay said advances and in many cases leaving the merchant to no other recourse
 he slow and uncertain remedy at law in a distant county—promising from year to year to pay out of
 proceeds of the next crop, and failing to do so—*planting*, and otherwise, false packing cotton, have
 repeatedly practised by persons residing in the interior upon the Merchants of Mobile, of which
 have equal reason to complain, and upon the very principles of this bill have a right to call for the
 position of the Legislature. Yet when this was done by an amendment offered to this House, in
 own person, which was in these words, or words to this effect, viz: "That if any planter or other
 ten of this State, shall be indebted to any commission merchant, factor or agent by obtaining advan-
 under false pretences, or otherwise, the remedy at law shall be reciprocal both for and against the
 commission merchant &c.," it was excluded from consideration by a motion from one of the friends
 he bill, for the previous question, which was sustained; thereby showing a spirit of revenge, and not
 and equal justice, which was sought to be obtained.

protest against this bill for the reason that it assumes to place the planting interests of this State un-
 the especial privilege of the Legislature; for when a member from Dallas; (Col. Phillips) who but
 cipated my intention in relation thereto, proposed to amend the bill on its second reading, by provid-
 that it should not be so construed as to prohibit any planter or other citizen of this State from appoint-
 in writing, his own agent to make purchases or sales for him, the gag law was immediately put into
 ration, and the amendment excluded. Again, when on the third reading of the bill, I informed the
 ase that I held in my hand important amendments which I wished to offer as engrossed riders to the bill,
 of which amendments, being in the following words viz;

Sec. *And be it further enacted.* That nothing in this act contained shall be so construed as to
 ibit any planter or other citizen of this State from selecting or appointing his own agent or factor in
 city of Mobile, to purchase, sell or otherwise dispose of, for him, any article of produce or merchan-

and after too, the gentleman from Sumter, with a degree of liberality, which distinguishes his charac-
 had withdrawn his motion for the previous question, in order that an opportunity might be afforded
 of submitting my amendments for the consideration of the House—this *talismanic wand*—this shib-
 h of majorities—the previous question, was immediately called into requisition, by one of the Repre-
 atives of the county of Lowndes; and, I regret to say, sustained by the House, in positive violation
 e 23d section of the 3d article of the constitution, which declares that, "no bill shall have the force of
 w until on three several days it be read in each House, and *free discussion had thereon*.

and now, if this bill shall pass into a law, the planter of Alabama will be placed in the servile condi-
 of our slaves, to consult their masters for the mode and terms of transacting their own business. By
 planter is virtually declared incompetent to select his own agent, and whatever relation may exist be-
 een himself and others, none but a *privileged* factor can receive or sell his produce. The darkest
 ge of feudal history does not exhibit its parallel—modern tyranny is thrown into the shade by this
 ase of the Alabama Legislature.

J. BATES, Jr.

A message from the Senate by Mr Childress their assistant secretary—Mr
 eaker: The Senate have unanimously adopted joint preamble and resolutions
 the General Assembly in favor of the annexation of Texas to the United
 States of America, as herewith presented.

The House then adjourned till three o'clock, P. M.

Evening Session, December 9th—The House met pursuant to adjournment. Joint preamble and resolutions of the General Assembly of the State of Alabama in favor of the annexation of Texas to the United States of America to the Senate, was read and adopted.

Engrossed bill entitled an act to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette and for other purposes, was taken up from the message of the Senate with the amendment, which was read, and concurred in by the House.

Engrossed bill entitled an act to authorize Polite Collins to inherit real estate, was taken from the message of the Senate with the amendment, was read and concurred in by the House.

Engrossed bill entitled an act to authorize Richard D. Shackelford to erect toll bridge over the Suckernatchee river as taken from the message of the Senate with the amendment of the Senate, was read and concurred in by the House.

The bill from the Senate to be entitled an act prescribing the mode of erecting and licensing toll bridge, causeways and ferries, also defining the rights and liabilities of the owners thereof, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to incorporate the West Wetumpka wharf company was read, and laid on the table.

The bill from the Senate entitled an act for the relief of the Merchants' engine company, No. 4, in the city of Mobile, was read, and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to incorporate the Mobile aqueduct company was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to amend the laws against duelling was read. Mr McClannahan of M. moved to postpone the further consideration of the bill until the first Monday in August next; which was carried.

The yeas and nays being desired those who voted in the affirmative are, Messrs Andrew B. Champ Boston Brashier Calhoun Cane Carnack Clifton Cobb Coman Davis of B. De Jarnett Greening Johnson Jones of B. King Long McClannahan of M. McClellan Priest Prim Puckett Ross Scott of J. Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Spencer Stephens Tarrant Taylor Vining Williams of P. and Wilson.

Those who voted in the negative are, Messrs Speaker Baker Bates Booker Burt Clough Cook Croes Davis of M. Erwin Finley Godbold Gordon Horton Jones of C. Martin of B. May McClannahan of S. McCord Morris Nelson Oliver Owen Parker Payne Phillips Porter Rawls of M. Sheffield Shields Smith of M. Toulmin Weissinger and Williams of H.

The bill from the Senate entitled an act to incorporate the Irish benevolent and naturalization society of the city of Mobile was read, and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to authorize Wiley Harbin, James Harris, their associates and assigns to construct a wharf on the Tallapoosa river in the limits of the town of Tallassee, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to incorporate the town of Pickensville in the county of Pickens, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to repeal an act approved 22d December, 1836, and for other purposes, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to incorporate the town of Treat in the county of Jackson, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to authorize the judge and commissary

Bills of roads and revenue of Fayette county to lay a special tax and for other purposes, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to provide for the payment of provisions and other articles furnished the troops while in the service of the United States, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to exonerate persons over forty-five years of age from patrol duty in certain counties therein named and for other purposes, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to compensate the Secretary of State for certain services therein named, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to repeal an act entitled an act to authorize the Sheriff of Jefferson county to serve process issued by justices of the peace for said county, approved 23d December 1836, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to provide for the payment for horses lost while in the service of the United States, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to change part of the line between the first and thirty-fifth regiment of Alabama militia, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to define the limits of the town of Summerville in the county of Morgan and incorporate the same, was read and ordered to a second reading on Monday next.

The bill from the Senate entitled an act to amend an act entitled an act to authorize the building of a Court-House in the county of Morgan, was read and ordered to a second reading on Monday next.

Mr Erwin from the select committee to whom was referred a bill entitled an act to amend the charters and for the better government of the bank of the State of Alabama and the several branches thereof, reported the same back to the House with amendments. Mr Erwin moved that the further consideration of the bill be postponed until half past 10 o'clock A. M. on Monday next, and that it be made the special order of the day for that hour, which was carried.

On motion of Mr Toulmin, *Resolved*, That the committee on the State bank be instructed to call upon the Cashier of the State bank and of the several branch banks for a statement of the amount of liabilities which may have been created by the President or either of the Directors, as payor, endorser, or discounters since the date of the reports made by the commissioners who examined their respective institutions, and also what amount of the liability then existing have been removed by payment, and report to this House the information thus received as early as possible.

Mr Horton from the select committee to whom was referred the petition of the citizens of the town of Huntsville, reported that they have had the same under consideration, and had instructed him to report a bill to be entitled an act to repeal an act entitled an act to regulate the corporation tax in the town of Huntsville; which was read and ordered to a second reading on Monday next.

Ordered that Mr Godbold be added to the committee on roads bridges and ferries.

Ordered that Mr Jones of B. be added to the committee on Indian expenditures.

Ordered that Mr Greening be added to the committee on military affairs.

The House then proceeded to the orders of the day.

mr Cobb called up the revised code of militia laws which was placed among orders of the day.

Engrossed bill entitled an act to regulate the wages of the door keeper of the House of Representatives, was read a third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to declare Attabby Creek in the county of Henry a public highway for the purposes therein named, was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to incorporate the Franklin Academy in the county of Macon, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to authorize John Brandon and his associates to turnpike a certain road therein named, was read a third time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Engrossed bill entitled an act to make and declare the Uphauppie Creek public highway, was read a third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to provide for the sale of lands and slaves at the town of Courtland in certain cases, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to divorce Dory Ann Hall from her husband Henry M. Hall, was read the third time and passed by a constitutional majority.

Engrossed bill entitled an act to divorce Rebecca Beaty from her husband Ezekiel A. Beaty, was read the third time and passed by a constitutional majority. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to incorporate the Monroe company of volunteer riflemen in the county of Monroe, was read the third time and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill entitled an act to repeal in part a certain act therein specified, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to alter and amend the patrol laws now in force in the county of Jefferson, was read the second time and ordered to be engrossed for a third reading on Monday next.

The bill to establish a company beat in the county of Autauga, with a less number than forty privates, was read a second time and ordered to be engrossed for a third reading on Monday next.

Mr Speaker laid before the House the report of J. G. Carroll, Adjutant-general of the militia of the State of Alabama; which was read and referred to the committee on military affairs.

Mr Martin of B. from the select committee to whom was referred a bill to be entitled an act to regulate the drawing and summoning jurors for the county of Talladega, reported that they have had the same under consideration, and have instructed him to report the same back without amendment. The bill was then read a second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to incorporate the Mobile Jockey Club, was read the second time: mr Cross moved the indefinite postponement of the bill, which

Tas lost; the bill was then ordered to be engrossed for a third reading on Monday next.

The bill entitled an act for the compensation of tales jurors in the county of Marengo, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill to be entitled an act to authorize William C. Bulger to establish a ferry on Tallapoosa river, was read the second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act for the relief of Thomas Lowry, Jacob H. Pierce, and Benjamin H. James, was read the second time and referred to the committee on the State bank.

The bill from the Senate entitled an act for the relief of Bab, a man of colour, was read a second time: mr Phillips moved to amend the bill by adding the following, "saving in all cases the rights of the creditors and representatives of Horatio G. Perry deceased" to come in at the end of the first section, which amendment was adopted; the bill was then ordered to a third reading on Monday next.

The bill entitled an act to attach part of the 74th to the 79th regiment of Alabama militia, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill for the relief of Elizabeth Jewell, was read the second time and ordered to be engrossed for a third reading on Monday next.

The bill for the relief of Henry Blaneett was read the second time: mr Martin of B. moved to amend the bill by adding after "Blaneett" "William Wilson of Benton county" which was carried, mr May moved to refer the bill to the judiciary committee which was lost, mr Long moved to postpone the bill until the first Monday in August next, which was carried.

The House then adjourned until Monday morning 9 o'clock.

Monday, December 11.—Mr Williams of H. moved a call of the House; which was sustained—when the following members appeared and answered to their names, (it being twenty minutes past 9 o'clock,) to wit:

Messrs. Aldridge Bates Bestor Blake Boston Brushier Burt Calhoun Cane Carmack Carney Clifton Clough Cobb Cochran Coman Davis of M. DeJarnett Finley Gann Godbold Gordon Greening Hammond Horton Jones of B. Long Martin of P. McClannahan of M. McClannahan of S. McClellan McLemore Morris Nelson Oliver Payne Perryman Phillips Porter Priest Prim Rogers Ross Scott of M. Scott of J. Sheffield Shields Simmons of P. Simmons of L. Skinner Smith of D. Smith of M. Spencer Stephenson Tarrant Taylor Toulmin Vining Warren Weissinger Williams of H. and Wilson.

A quorum of members being present, the House proceeded to business.

Mr Scott of m. presented the account of Daniel Patridge, late jailor of Montgomery county; which was read and referred to the committee on accoents.

Mr McClellan presented the account of William Blythe, late sheriff of Talledega county; which was read and referred to the committee on accounts.

Mr McClellan presented the petition of sundry citizens of Talledega county, praying the passage of a law authorising James Hall and Francis W. Thomason, to erect certain water works; which was read and ordered to lie on the table.

Mr Baker presented the petition of sundry citizens of Franklin county, praying the extension of lottery privileges, to the Washington Lodge. No. 36, in Tuscumbia; which was read and referred to the committee on ways and means.

Mr Clough presented the account of Hrrison Young, H. L. Stewart, C. J. Shackelford, Benjamin Young and George S. Speake; which were severally read and referred to the select committee on Indian expenditures.

Mr Gordon presented the account of Nimrod B. Long; which was read and referred to the select committee on Indian expenditures.

Mr Oliver presented the petition of William Taylor; which was read and referred to the committee on the State Bank.

Mr Morris presented the petition of sundry citizens of Tallapoosa county, praying the passage of a law authorising J. M. Wilson, to erect a saw and grist mill, on Peckerwood creek; which was read and referred to the committee on privileges and elections.

Mr Porter presented the petition of sundry citizens of Tuscaloosa county, relative to the appointment of hands to work on public roads; which was read and referred to the committee on roads, bridges and ferries.

Mr Shields presented the petition of sundry citizens of Marengo county, relative to a difficulty which occurred between John W. Henley and A. A. Anderson, praying the passage of a law for their relief; which was read. Mr Shields moved to refer the petition to a select committee. Mr Carmack moved to lay the petition on the table; which was carried.

Mr Williams of P. presented the petition of sundry citizens of Pickens county, praying the passage of a law incorporating Liberty academy; which was read and referred to a select committee, composed of the delegation from Pickens county.

Mr Owen presented the accounts of William Smith, sheriff of Washington, and Aaron Smith; which were severally read and referred to the committee on accounts.

Mr Davis of m. from the committee on propositions and grievances, to whom was referred the petition of Ezekiel Welford, tax collector of Henry county, for the 1835, praying for his commission to be refunded, reported that they had the same under consideration, and have instructed him to report it inexpedient to grant the prayer of the petitioner, it appearing to the committee from the Treasurer's office, that said commissions had been paid, and asked to be discharged from the further consideration of the subject. Mr Williams of H. moved to lay the report on the table; which was carried.

Mr Calhoun from the joint examining committee on the State Bank, made the following report: "The joint examining committee on the part of the House, to which was referred a resolution, directing them to inquire what extra compensation or salary has been allowed by the State Bank or either of the branch banks, to any bank attorney and the authority of the same, have had the resolutions under consideration and beg leave to report, that the State Bank allowed to Ellis and Owen, their attorneys for the last year, the sum of fifteen hundred dollars, as extra compensation for their services; the branch bank at Decatur allowed one per cent for collecting, to their attorney, which amounted during the present year to a little more than \$3,400; the branch bank at Mobile, allowed Gough and Vandergraff a salary of one thousand dollars; the branch bank at Montgomery, allowed to their attorney a salary of one thousand dollars; no allowance of any thing to the attorney of the branch bank at Huntsville, appears in their expose account; your committee are of opinion that all these allowances in whatever shape, are not authorised by law; but that it was the intention of the legislature, that the only remuneration to be received by the attorney, was the fees as fixed by law, and these they are under the impression, would heretofore have been an adequate compensation for the services rendered; the authorising the taking of deeds of trust and mortgages, by the banks to secure their debts, must necessarily cause a more frequent and arduous call upon the services of the bank attorneys heretofore, and therefore a greater compensation would be just and proper. Your committee therefore recommend the adoption of the following joint resolutions: *Resolved*, by the Senate and House of Representatives of the

State of the State of Alabama in General Assembly convened, that the President and Directors of the Bank of the State of Alabama, and of the branches at Huntsville, Decatur and Montgomery, be and they are hereby authorised to allow to their bank attorney for services rendered to said banks, respectively, an annual salary of dollars, and no more, and of the branch bank at Mobile, an annual salary of dollars and no more; which report was concurred in. The resolution was then read and ordered to a second reading on to-morrow.

Mr Coman from the committee on rail roads, to whom was referred the petition of the President and Directors of the Mobile and Cedar Point rail road company, reported that they have, according to order, had the same under consideration, and have instructed me to report a bill to be entitled an act to authorise a loan to the Mobile and Cedar Point rail road company; which was read and ordered to a second reading on to-morrow.

Mr Ashurst from the select committee, to whom was referred the resolution of inquiry into the expediency of the annexation of that part of the West Florida, South of this State and West of the Chattahoochee river, have had the same under consideration, and instructed me to report as follows:

"That your committee regret that they are not in possession of such data as would enable them to make as full and complete a report as they are convinced the magnitude and importance of the subject contemplated in the inquiry would authorise; a single glance however at the map of the United States, will scarcely furnish a more striking evidence of a greater disregard of natural boundaries, than is seen in the separation that now exists between the four counties of West Florida, viz: Escambia, Walton, Washington and Jackson, lying immediately West of the Chattahoochee, and bordering on and separated by a mere imaginary line from this State, no doubt can exist that a boundary so palpably, marked by the hand of providence, could not have escaped the observation or consideration of those who formed the boundaries of our State, had not a Foreign power been in possession of Florida at the time of her admission into the Union. Your committee have ascertained from unquestionable authority, that the inhabitants of the Territory above mentioned, are desirous to come and compose a part of our State, and it seems but natural, as from their location, their interests must be identified with ours—and they are further enabled to state, that it is deemed as throwing little or no obstacle, in the way of East and Middle Florida, from becoming at as early a period as possible, a State of this Union; the only remote or possible contingency, to which the eye of the statesman can be turned, as likely to offer the objections to the accession of the Territory now proposed to be obtained.—Your committee need not enlarge upon the incalculable advantages offered to the citizens of this as well as the adjoining States—nor need they refer to the improvements now under progress, connecting the Harbour of Peninsula with many other internal improvements of this State, diverging in every direction, and being the productions of every clime, through the very bosom of our country, nor need they suggest the necessity of having the control of all laws concerning the regulations of trade at Pensacola, under the supervision of the legislature of this State, as a large portion of the trade, both of North as well as South Alabama, must necessarily go to that port owing to the advantages it possesses over any other on the Southern coast, as soon as the improvements that are now under progress be completed. Nor need your committee enlarge on the beauty, safety and advantageous location of a new sea-port town, on our Southern borders. The acutest reasoner cannot possible conceive of the acquisition to commerce in having a direct trade from Europe to a city bordering on the Gulf of Mexico, within the confines of our State, and under the control of our laws, affording a great thoroughfare for the productions of every soil and country. For these and various other reasons, your committee recommend the following joint resolutions for consideration and adoption.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed and our Representatives requested, to use all proper means to have that part of West Florida lying South of this State and West of the Chattahoochee, annexed to this State.

Resolved, That the Governor of this State be requested to forward a copy of these resolutions, to each of our Senators and Representatives; which was read.

Mr Erwin moved to amend by adding to the end of the last resolution, the words "in Congress." and also to the Governor of Florida, with a request that the same be laid before the Legislative council, in said Territory. Mr Morris moved to postpone the joint resolution and amendment proposed thereto, until

to-morrow, and that it be made the special order of the day; which was carried.

Mr Johnson from the select committee, to whom was referred the petition of sundry citizens of Morgan county, praying to be attached to Marshall county, reported that they have, according to order, had the same under consideration, and instructed me to report a bill entitled an act to change and designate the line between the counties of Morgan and Marshall, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Calhoun from the committee to whom the subject was referred, reported to the House without amendment, the bill to be entitled an act to incorporate the Dallas Riflemen company of volunteers; which was read and ordered to be engrossed for a third reading on to-morrow.

Mr Calhoun from the select committee, to whom was referred a bill to provide for taking the census for 1838, reported that they had the same under consideration, and have instructed me to report it without amendment, and recommend its passage. Mr Calhoun moved to amend the same, in the last line of section 2d, after "Monday," insert "November;" which was carried. The bill was then read and ordered to be engrossed for a third reading on to-morrow.

Mr May offered the following preamble and resolutions, to wit:

Whereas, it is declared by the Constitution of the State of Alabama, that "any member of either House" of the General Assembly "shall have liberty to dissent from, or protest against, any act or resolution, which he may think injurious to the public or an individual, and have the reasons of his dissent entered upon the journals;" and it is believed that these privileges, guaranteed as they are, by that sacred instrument under authority of which we are here assembled, should be preserved in their purity, and should never be denied to any member—nor will they be denied, while virtue, patriotism and intelligence continue, as they now are, the predominant characteristics of the people of Alabama. But this House does unequivocally deny that under the provision of the Constitution to which reference has been made, that a member in stating his reasons in the form of a protest, "against any act or resolution," is authorized to use in reference to other members of the House, or a majority of them, opprobrious and contumelious expressions—more especially, when it is remembered, that abusive epithets are not essential in the expression of a reason, and are at war not only with that courtesy which prevails among gentlemen, but is degrading to the dignity of a legislative body.

If the constitution permitted a member to spread upon the journals a composition, which, instead of containing "reasons," should abound in language, breathing a spirit of malignancy, or be couched in insulting terms, it would, indeed, be worse than contemptible and would not merit the reverence of a free and enlightened people. But the Constitution, while it secures to a member the right "to protest against any act or resolution" which may be passed or adopted by this House, "and to have the reasons of his protest entered on the journals," does not grant a license to libel the people of the State, or to traduce and vilify the members of this House—nor does the constitution, or intelligent men, recognize degrading epithets, as "reasons" or sound logic. Such expressions for example, as are to be found as entered on the journals of this House of the ninth instant, by a member from the county of Mobile, and are embodied in a composition, which, its author alleges, is his protest, over the signature of J. Bates, Jr. against the passage of a bill "entitled an act for the better regulation of trade in the city of Mobile," which, in said protest, he says, is "an unholy bill of attainder"—that the bill imposes "disgraceful restrictions" on the commission merchants—that that feature of the bill which confines its operations to the city of Mobile, "should cause the blush of shame to mantle the cheek of its author, and the heedless, precipitate majority, who have ministered to the infliction of this foul stain upon the honor and dignity of the State"—the author of the protest further "remonstrates" against the passage of the bill, because, he says, his constituents are selected "as the choice victims of the most unfounded suspicions, the most unnatural prejudices, and the most aggravated picture of mercantile fraud"—that the bill was "forced through the House" by repeated calls "for the previous question," and by the most wanton misrepresentations and allegations, without either proof or probability to sustain them—that the House excluded an amendment which was proposed to the bill by the "gag law"—the previous question—that if the bill should be enacted, "the planter of Alabama will be placed in the servile condition of our slaves, to consult their masters for the mode and terms of transacting their own business"—that "the darkest pages of federal history does not exhibit its parallel" to this bill—that "modern tyranny is thrown into the shade by this *usage* of the Alabama Legislature." Wherefore, in consideration of the reasons and facts stated,

Be it Resolved, That this House recognizes in its fullest extent, the "liberty" secured to any member "to dissent from, or protest against, any act which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journal," as is provided for in the 18th section of the third article of the Constitution—and that this House will preserve the liberty to "protest" inviolable.

Be it further Resolved, That in the opinion of this House, the protest which has been entered on the journal on the 9th instant, over the signature of J. Bates, Jr., contains language, which however eloquent and classical it may be regarded by its author, is not authorized by the spirit, the true intent and

meaning of the Constitution, allowing the liberty of "protest"—and that the said protest contains expressions which are not only odious and offensive, but are insulting to individual members, and to a large majority of this House, as also to the people of this State, whose representatives they are.

Resolved, As the opinion of this House, that the planters of Alabama, will not regard the bill which has passed this House, "entitled an act for the better regulation of trade in the city of Mobile," as "an unholy bill of attainder," and they will determine for themselves whether the bill, which is thus protested against, is "tyrannical," and whether it will make them "slaves," especially as the bill is designed to protect them in their rights and property, against the fraudulent practices of those who violated the faith and confidence reposed in them.

Be it further Resolved, That this House entertains no prejudices against the city Mobile, but would rejoice in its prosperity, and while it concedes that it is unnecessary to impose legal restrictions upon honest men, it is nevertheless asserted and maintained, that the planters of Alabama are entitled to legal protection, against any and all combinations, which are calculated to trample upon their rights and their property; and it is the imperative duty of the Legislature to shield the citizen of the State against fraudulent and dishonest practices, and this House will not shrink from the performance of its duty, notwithstanding the anathemas that have been levelled against its dignity and its authority and which are contained in the protest which is the foundation of the foregoing preamble and resolutions.

Which was read; Mr Calhoun moved to lay the resolutions and preamble on the table; which was lost. Yeas 38, nays 44.

Those who voted in the affirmative are, Speaker Arhurst Baker Beauchamp Blake Booker Brevard Calhoun Coman Cook Cottrell Finley Godbold Greening High Horton Johnson Jones of B. Long Lucas McCord Nelson Oliver Owen Payne Perryman Phillips Priest Puckett Rogers Scott of m. Shields Simmons of P. Stephenson Toulmin Weissinger Williams of H.

Those who voted in the negative are, messrs. Aldridge Andress Boston Brazier Burt Cane Clifton Cobb Cross Daniel Davis of B. Davis of m. DeJarnett Gann Gordon Hammond Jones of C. King Lee Martin of B. May McAlpin McClannahan of m. McClannahan of S. McClellan Morris Parker Prim Rawls Ross Scott of J. Sheffield Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Spencer Tarrant Taylor Vining Williams of P. and Wilson.

Mr Bates moved to have the preamble and resolutions postponed until 12 o'clock on Wednesday next, and having them printed; which was lost. Mr Calhoun moved to postpone their further consideration until 11 o'clock on Wednesday next; which was carried. Yeas 81, nays 2.

Those who voted in the affirmative are, messrs Speaker Aldridge Arhurst Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Clough Cobb Coman Cook Cottrell Cross Daniel Davis of B. Davis of m. DeJarnett Erwin Finley Godbold Gordon Greening Horton Johnson Jones of B. Jones of C. King Lee Long Lucas Martin of B. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of m. Sheffield Shields Simmons of L. Simonton Skinner Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Toulmin Vining Weissinger Williams of H. Williams of P. and Wilson.

Those who voted in the negative are, messrs Hammond and Simmons of P.

Mr Calhoun moved that one hundred copies of the preamble and resolutions be printed; which was lost:

The House then adjourned until 3 o'clock, P. M.

Evening Session, December 11—The House met pursuant to adjournment.

The bill entitled an act to amend the charter, and for the better government of the Bank of the State of Alabama and the several branches thereof; which had been made the special order of the day for to day, was taken up. The House proceeded to the consideration of the report heretofore made by the committee, and the amendments proposed. Amendment 1st, after the word "indebted," when it occurs in the 4th, at the end of the 13th, and beginning of the 14th, and in the 17th lines of the 5th section, insert the words "liable, directly or indirectly;" which was concurred in. Second amendment, after the word "security," where it occurs in the 21st line of the same section, insert the words "or endorsers;" which was concurred in. Third amendment, proposing one additional section, as section 14th: *And be it further enacted*, That hereafter it shall not be lawful for the President or any Director of the Bank of the State of Alabama, or any branch thereof, to absent himself from attendance on the meetings of the board of which he may be a member, more than two weeks at any one time, without the permission of the board, unless his absence shall be occasioned by

sickness, nor shall it be lawful for the board of President and Directors of said Bank or any branch thereof, to grant leave of absence to any member of either of said boards for more than four weeks, at any one time, unless he shall be absent on proper business of said bank or branch thereof, of which he may be an officer, and if the President or any Director of said bank or either of the branches thereof, shall absent himself at any time from attendance on the board of which he may be a member, contrary to the provisions of this section, he shall forfeit his office, and the same shall become vacant; and whenever any vacancy shall so happen, it shall be the duty of the remaining members of the board, in which it may happen, forthwith to proceed, and fill the same by the election of a President or Director, as the case may require. Mr McClung, (Mr Erwin in the Chair,) moved to lay the amendment on the table. Mr Philips moved to postpone its further consideration until to-morrow, 11 o'clock; which was carried.

The bill to be entitled an act to provide for the inspection of cotton in the city of Mobile, which had been made the special order for to-day, was taken up and read. Mr Weissinger moved to postpone its further consideration until Wednesday next and that it be made the special order for that day at 11 o'clock; which was carried.

Mr May who voted with the majority on the indefinite postponement of the bill for the relief of Henry Blancett, moved to reconsider the vote; which was lost.

The bill entitled an act to authorize the persons therein named to raise a loan on behalf of the State of Alabama for five millions of dollars, being the special order for this day, was taken up. Mr Porter moved to amend the same by an additional section. Mr Scott of M. moved to lay the amendment on the table. Mr Smith of M. moved to postpone the further consideration of the bill until Thursday next, and that it be made the special order of the day for that day at 12 o'clock; which was carried.

The bill entitled an act to appropriate a certain sum for the completion of the Muscle Shoals canal, being the special order of the day for this day, was taken up and read. Mr Horton moved to refer the bill to a committee composed of the delegation from the counties of Madison, Jackson, Lauderdale and Limestone; which was carried.

The House then took up the orders of the day.

Engrossed bill entitled an act to establish a company beat in the county of Autauga, with a less number of privates than forty, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to authorize William C. Bulger to establish a ferry on Tallapoosa river, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act for the relief of Elizabeth Jewell, was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to repeal in part an act therein specified, was read the third time and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to incorporate the Mobile jockey club, was read a third time. Mr McClannahan of M. moved to postpone indefinitely the bill; which was lost. The question was then taken on its final passage and lost. Yeas 30, Nays 48.

The yeas and nays being desired those who voted in the affirmative, are messrs Speaker Ashurst Bates Booker Brevard Burt Calhoun Cobb DeJarnett Gordon Horton Martin of B. McCord McLemore Mor-

is Owen Payne Phillips Porter Rawls Scott of M. Shields Smith of M. Toulmin Weissinger and Williams of H.

Those who voted in the negative are, messrs Aldridge Baker Beauchamp Bestor Blake Boston Brashier Cane Carmack Clifton Coman Cook Cross Davis of B. Davis of M. Erwin Finley Gann Greening Hammond Johnson Jones of B. King Long Lucas Martin of P. McAlpin McClannahan of S. McClellan Nelson Oliver Parker Payne Puckett Rogers Scott of J. Simmons of L. Sheffield Simmons of P. Skinner Spencer Tarrant Taylor Vining Williams of P. Williams of T. and Wilson.

Mr McClellan introduced a bill to authorize James Hall and Francis M. Thompson, to erect a mill, cotton spinning factory, and other water works, at the Jackson shoals on the Chockoloko creek, in the county of Talladega; which was read and ordered to a second reading on to-morrow.

Mr Payne introduced a bill to amend the charter of the Bank of the State of Alabama and its several branches; which was read and ordered to a second reading on to-morrow.

Mr Aldridge introduced a bill to establish a board of commissioners for the improvement of the navigation of the Warrior river and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Nelson introduced a bill to authorize interest to be paid on the Muscle Shoal canal fund; which was read and ordered to a second reading on to-morrow.

And then the House adjourned until to morrow morning 9 o'clock.

Tuesday, December 12.—The House met pursuant to adjournment.

Mr Smith of M. presented the petition of sundry citizens of the town of Huntsville in Madison county, praying that a law may not be passed by the legislature increasing the powers of the board of aldermen in the town of Huntsville, as therein specified; which was read and referred to a select committee, composed of the delegation from Madison county.

Mr Smith of M. presented the petition of sundry citizens living in the vicinity of the corporate limits of the town of Huntsville, in Madison county, praying the passage of a law to contract the limits of the corporation of said town, as specified therein; which was read and referred to a select committee, composed of the delegation from the county of Madison.

Mr McAlpin presented the petition of sundry citizens of the town of Clinton, in Greene county praying the renewal of a law therein named, in relation to the incorporation of the said town of Clinton; which was read and referred to a select committee, composed of the delegation from Greene county.

Mr Johnson presented the account of the sheriff of Marshall county; which was read and referred to the committee on accounts.

Mr Finley presented the petition of sundry citizens of Jackson county, praying the passage of a law authorizing the establishment of a poor house in said county; which was read and referred to a select committee, composed of the delegation from Jackson county.

Mr Greening from the committee on accounts to whom was referred the accounts of P. M. Bush sheriff of Marshall county and of William Blythe sheriff of Talladega county: reported the same back to the House as not being sufficiently authenticated to authorize their allowance, and asked to be discharged from the further consideration thereof. Mr Johnson moved to lay the report on the table; which was carried.

Mr Greening from the same committee, to whom was referred the petition of L. Thompson and others, reported the same back to the House as being improperly referred; and recommended its reference to the committee on inland navigation; which report was concurred in and the petition ordered to be referred to committee on inland navigation.

Mr Coman, from the committee on rail roads, to whom was referred

the petitions of the citizens of Lauderdale county praying a charter for a road around Colberts' Shoals, reported that inasmuch as there is in the possession of the House a bill embracing the objects of said petitions it is inexpedient for them further to act on the subject and ask to be discharged from the further consideration thereof; which was concurred in by the House.

Mr Horton from the select committee to whom was referred the bill entitled an act to appropriate a certain sum for the completion of the Muscle Shoal canal reported the same without amendment; which was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Martin of B. from the select committee to whom was referred the joint memorial to the Congress of the United States, asking the right of pre-emption to actual settlers on the public lands, reported the same back to the House with the following amendment, to wit: after the word "miles" in the first line insert "besides that portion of the lands acquired by the late treaty with the Creek tribe of Indians remaining unsold;" which report was concurred in, and the memorial adopted by the House. Ordered, that it be sent to the Senate for concurrence.

Mr Williams of P. from the select committee to whom was referred the petition of sundry citizens of Pickens county praying to have a certain academy therein mentioned incorporated, reported a bill entitled an act to incorporate Liberty academy in the county of Pickens; which was read and ordered to a second reading on to-morrow.

Mr Smith of M. from the committee on the State Bank, to whom was referred a bill for the relief of Thomas Lowrey, Jacob H. Price and Benjamin H. James, reported the same back to House without amendment. Mr Vining moved to lay the report on the table. Mr Payne moved to postpone the further consideration of the bill until the first Monday in August next; which was carried.

Mr Godbold from the select committee, to whom was referred a bill entitled an act for the relief of William Sizemore and others, reported the same back to the House which was read. Mr McCord moved to amend the same by striking out the word "senior" where it occurs and inserting "jr." in lieu thereof; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Martin of B. offered the following resolution, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of attaching a part of the county of Randolph to the county of Chambers, and a part of the county of Benton to the county of Randolph, in pursuance to the petition from those counties upon that subject; which was adopted.

Mr McClannahan of M. called up the Senate bill entitled an act for the government of turnpike roads, which was read the third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Erwin from the judiciary committee, to whom was referred the memorial of sundry citizens of Mobile, praying the establishment and organization of an additional court therein named, reported the same back to the House and asked to be discharged from the further consideration of the same; in which the House concurred. Mr Erwin then asked leave to withdraw the said memorial; which was granted.

Mr Erwin introduced a bill to be entitled an act in relation to taking affidavits and administering oaths, which was read, and the constitutional rule being suspended which requires bills to be read on three several days, it was read a second time. Mr Erwin moved to amend by inserting after the word "Constitutional"

on," "or laws," which was carried; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Scott of M. introduced a bill entitled an act authorizing the judge of the county court of Montgomery county to hold a special term of said court, which was read and ordered to a second reading on to-morrow.

Mr Andress introduced a bill to be entitled an act to attach to the twenty-sixth regiment of Alabama militia a certain company therein named, which was read and ordered to a second reading on to morrow.

Mr Porter called up the bill to extend and equalize the advantages of common schools in the State of Alabama, which was read and made the special order of the day for Friday next.

The bill to be entitled an act to amend the charters, and for the government of the Bank of the State of Alabama and the several Branches thereof, which was made the special order of the day for to-day was called up. The House then resumed the consideration of Mr McClung's motion to lay amendment by additional section fourteen on the table, which was lost. Mr Erwin moved to amend by striking out all after the word "vacant" in the amendment, which was carried. Mr Scott of M. moved to amend by striking out all of 1st, 2d, 3d and 4th sections after the enacting clause.

A message from the Senate by Mr Childress their assistant secretary—*Mr Speaker:* The Senate have passed bills of the following titles which originated in the House of Representatives: an act to attach Barney Ivy a citizen of Macon county to the county of Russell, and have amended the same as therein shewn; an act to incorporate the Franklin academy in the county of Macon; an act to regulate the wages of the doorkeeper in the House of Representatives and have amended the same as therein shewn; an act to amend the laws in relation to the collection of taxes on real estate; an act to amend the charter of the Linden railroad company, and have amended the same as therein shewn; an act to alter and amend in part an act therein named, which they have amended as therein shewn; an act to suppress mal-practice by factors, carriers and other agents; an act to authorize the formation of limited partnerships; they have amended the amendment of the House of Representatives to the bill, to be entitled an act to declare Attabby creek a public highway for the purposes therein named; in which they ask your concurrence.

The House then adjourned until 3 o'clock, P. M.

Evening session, December 12th, 1837—The House resumed the consideration of the bill to amend the charters and for the better government of the Bank of the State of Alabama and the several Branches thereof, and after some time spent thereon, Mr Puckett moved to adjourn until to-morrow morning at nine o'clock, which was lost. Ordered, that the House concur in the last amendment proposed by the committee to the bill under consideration.

Mr Smith of M. moved to adjourn till to morrow 9 o'clock (it being five o'clock P. M.) which was carried.

The House then adjourned until to morrow morning 9 o'clock.

Wednesday, December 13.—Mr Davis of B. presented the petition of sundry citizens of Bibb county praying the passage of a law to authorize the court of roads and revenue to build a poor house, &c.; which was read and referred to the committee on ways and means.

Mr Oliver presented the petition of Abner M'Gehee praying a relief to be afforded him by the branch of the bank of the State of Alabama at Montgomery; which was read and referred to the committee on the State bank.

Mr Williams of H. from the committee on divorce and alimony to whom was

referred a copy of a record from the circuit court of Autauga county, exercising chancery jurisdiction in the case of John Thomas against Rebecca Thomas, reported a bill to be entitled an act to divorce John Thomas from his wife Rebecca Thomas; which was read and ordered to a second reading on to morrow.

Mr Smith of M. from the committee on the State bank, reported an exhibit of the branch of the bank of the State of Alabama at Huntsville; which was read and ordered to lie on the table.

Mr Smith of M. from the same committee reported an exhibit of the total amount of liabilities of the President and Directors and other officers of the bank of the State of Alabama; which was read and ordered to lie on the table.

Mr Williams of H. from the committee on divorce and alimony to whom was referred a copy of the record of the circuit court of Mobile county exercising chancery jurisdiction in the case of Harriet M. Montague against Joseph M. Montague for a divorce, reported a bill to be entitled an act to divorce Harriet M. Montague from her husband Joseph H. Montague; which was read and ordered to a second reading on to morrow.

Mr Williams of H. from the same committee to whom was referred a copy of the record and proceedings had in the circuit court of Jefferson county exercising chancery jurisdiction in the case of Early A. Brown against Elizabeth Brown for a divorce, reported a bill to be entitled an act to divorce Early A. Brown from his wife Elizabeth Brown; which was read and ordered to a second reading on to morrow.

Mr Williams of H. from the same committee to whom was referred a copy of the record from the circuit court of Chambers county exercising chancery jurisdiction in the case of Harriet Fill against John S. Fill for a divorce, reported a bill to be entitled an act to divorce Harriet Frill from her husband John S. Frill; which was read and ordered to a second reading on to morrow.

Mr Smith of M. from the committee on the State bank to whom was referred the resolution instructing them to inquire into the causes which have induced the Decatur bank to refuse to rescind damages on bills drawn by citizens of this State upon New York, the debts of which have been proposed to be extended, a practice which other banks have usually adopted, with the further instruction to report a bill to obviate any distinction upon this subject, reported that your committee deemed it inexpedient to legislate thereon: Mr Porter moved to lay the report on the table which was carried.

Mr Smith of M. from the same committee to whom was referred the petition of the citizens of Franklin county requesting the Legislature to take into consideration the expediency of dividing the capital of the Decatur bank in such a manner as to establish another bank at Tusculumbia, reported that your committee have had the same under consideration and deem it inexpedient to legislate thereon, and recommend that the prayer thereof be not granted: Mr Erwin moved to lay the report on the table which was carried.

Mr Smith of M. from the same committee to whom was referred a memorial from the citizens of Florence praying for the establishment of a branch of the State bank at the town of Florence, reported that they have had the same under consideration and that your committee deem it inexpedient to legislate thereon, and recommend that the passage thereof be not granted: Mr Carmack moved to lay the report on the table which was carried.

Mr Smith of M. from the same committee to whom was referred a bill to be entitled an act more permanently to secure the banks against fraud and collision, reported that they have given to that bill a full consideration, and have instructed me to report it back to this House without amendment, and recommend that it do not pass. Mr Payne moved to lay the report on the table, which was carried.

Mr Carmack from the committee on Indian expenditures to whom was referred the bill from the Senate, entitled an act to compensate certain persons for articles furnished troops while in the service of the United States, reported the same back to the House without amendment, which was read the second time and ordered to a third reading on to-morrow.

Mr Carmack from the same committee to whom was referred the accounts of Nimrod W. Long, Robert Barrow, Allen Gentry and Elijah H. Reid, reported that said accounts ought not to be allowed, and asked to be discharged from the further consideration of the same. Mr Gordon moved to lay the report on the table which was carried.

Mr Carmack from the same committee to whom was referred the petitions of John McAlister and John S. Blair, reported that they have had the same under consideration, and were of opinion that the prayer of the petitioners ought not to be granted. Mr Coman moved to lay the report on the table; which was carried.

Mr Puckett from the military committee to whom was referred the bill entitled an act to amend the militia laws of this State, reported that the same subject is provided for in the bill revising the laws of this State, and asked to be discharged from the further consideration thereof; which was concurred in by the House.

Mr Puckett from the same committee to whom was referred so much of the Governor's message as relates to the organization of a military corps to be stationed in the vicinity of the Cherokee Indians, residing within the limits of this State; also, so much of the message as relates to the militia: reported that they have had the same under consideration and that it is inexpedient to legislate upon the subject; which was read and the report concurred in.

Mr Davis of M. from the committee on propositions and grievances to whom was referred the petition of sundry citizens of the county of Marshall, praying the passage of a law authorizing William Saws to retail spirituous liquors without license, reported that it is inexpedient to legislate upon the subject and asked to be discharged from the further consideration of the same; in which report the House concurred.

Mr Davis of M. from the same committee to whom was referred the petition of the citizens of Jasper, in the county of Walker, praying an act of incorporation for said town of Jasper and the permanent location of the seat of justice at said town, reported that it is inexpedient to legislate on the subject and asked to be discharged from the further consideration thereof; in which the House concurred.

Mr Davis of M. from the same committee to whom was referred the account of Robert Austin, reported that it is inexpedient to legislate upon the subject and asked to be discharged from the further consideration thereof; in which the House concurred.

Mr Davis of M. from the same committee to whom was referred the petition of Christopher Kelly and others, praying that a sum of money heretofore paid by the said Christopher Kelly for his son, by way of fine and costs due the State, reported that it is inexpedient to legislate on the subject and asked to be discharged from the further consideration thereof; which report was read and concurred in by the House.

Mr Davis of M. from the same committee to whom was referred a letter of N. Ford on the subject of bastardy, reported that the committee have had the same under consideration, and instructed him to report the same back to the House and ask to be discharged from the further consideration thereof; which was read. Mr Morris moved to lay the report on the table; which was carried.

Mr Owen from the committee on county boundaries to whom was referred the petition of James Harris, William Burden and others, praying that a part of Tallapoosa county be attached to Macon county, reported that it is inexpedient to legislate on the subject; which report the House concurred.

Mr McCord offered the following resolution: *Resolved*, that the last clause of the first rule of the House (which requires the journal of the preceding day to be read) be dispensed with for the remainder of the present session of the General Assembly; which resolution lies over one day for consideration.

Mr Erwin introduced a bill entitled an act amendatory of the laws now in force in relation to forceable entry and detainer and for an unlawful detainer; which was read and ordered to a second reading on to-morrow.

Mr Davis of B. introduced a bill entitled an act to change the time of holding the county courts of Bibb county; which was read and ordered to a second reading on to-morrow.

Mr Brashier introduced a bill to be entitled an act to repeal in part an act now in force confining the collection of debts before a justice of the peace in the beat where the contract was made, approved, December 2nd, 1835; which was read and ordered to a second reading on to-morrow.

Mr Horton introduced a bill to incorporate the town of Huntsville; which was read and ordered to a second reading on to-morrow.

Mr Lea introduced a bill entitled an act to aid the Linden Rail Road company; which was read and ordered to a second reading on to-morrow.

Mr Greening presented the account of Martin T. Ellis; which was read and referred to the committee on accounts.

Mr Greening offered the following resolution: *Resolved*, that hereafter, five members of the committee on accounts shall constitute a quorum for the transaction of business of said committee; which lies over one day for consideration.

Mr Davis of M. introduced a bill to amend the laws now in force fixing the compensation of certain officers; which was read and ordered to a second reading on to-morrow.

Mr Calhoun offered the following resolution: *Resolved*, that no new business will be received into this House for its action after Friday the 15th instant. Mr Davis of M. moved to lay the resolution on the table; which was lost. The resolution was then adopted.

Mr Bates from the standing committee on military affairs to whom was recommended the system of militia laws, reported by commissioners appointed for that purpose, reported the same to the House with the following amendments, viz: Amendment 1st—In the 25th line of sec. 1, ch. 6, after the word "Jefferson" insert "Cherokee." Amendment 2nd—In the 40th line of sec. 1, ch. 6, strike out after the word "Jackson," the words "and eighty-first Regiment in Marshall county, north of the Tennessee river." Amendment 3d—In the 46th line of sec. 1, ch. 6, strike out the word "Cherokee." Amendment 4th—In the 47th line of sec. 1, ch. 6, strike out the words "the eighty-third Regiment in," and in the same line after the word "Marshall," strike out "lying south of Tennessee river." Amendment 5th—In the 5th line of sec. 1, ch. 4, strike out all after the words "may be" which was read. The House then proceeded to the consideration of the amendments proposed by the committee. Mr Clifton moved to lay the report on the table; which was lost. The question then recurred on concurring in the amendments proposed by the committee, which was carried.

Mr Erwin called up from the orders of the day joint resolutions to adopt and provide for the printing and distributing the system of militia laws prepared by Generals Crabb and Bradford, and for other purposes; which was read and ordered to be engrossed and read the special order for to-morrow.

Message from his Excellency the Governor by Mr Gooch his private secretary:

EXECUTIVE DEPARTMENT,
December 13th, 1837.

Gentlemen of the Senate and House of Representatives:
Under that provision of the constitution, which makes it the duty of the Executive of this State, to recommend to the General Assembly, the consideration of such measures as he may deem expedient, I beg leave respectfully to submit to you, some of the views I entertain in relation to the present condition and future management of the Bank of the State of Alabama and its several branches. And although I admit, with the most perfect sincerity, that I have felt great diffidence in submitting my opinions upon this subject, especially, in the present perplexed and embarrassed condition

The banking institutions of this State, as well as of all others of a similar character, of which I have any knowledge or correct information, yet as it is one of the requisitions of the constitution that I should recommend such measures as I consider conducive to the public good, I do not feel myself at liberty to abstain from an expression of my opinions however inadequately they may convey to others the anxiety I feel upon the subject, or imperfectly they may be calculated to aid in the accomplishment of the important objects we all have in view, namely, enabling the banks to resume specie payments, and restoring general confidence in their soundness and solvency.

As the General Assembly are already in possession of all the information within the reach of this Department in regard to the condition of the banks, through the reports required to be made annually, and which I understand, are now before you, I shall content myself at present, with submitting to you such views as I entertain in relation to their future management.

These institutions, it will be recollected, have their foundation in, and are sustained by, the faith and credit of the State. This consideration alone is sufficient to inspire the fullest confidence in the system: *Provided*, always we could ensure a faithful and efficient administration and management of that system. For whatever difference of opinion may have existed originally, as to the propriety and expediency of using the faith and credit of the State, in order to raise banking capital, it is believed, that there can be no contrariety of opinion, in regard to the fact, that these institutions rest upon a basis not to be shaken, so long as they continue to be properly managed. I am also clearly of opinion that under proper management, these institutions, would be productive of great benefit to the community. For although, I have never been among the number of those, who believe that any system of banking, no matter how ably conducted, could exempt the people entirely from the burden of taxation, yet I have inclined strongly to the opinion, that this system of taxation is preferable to any other; for the reason, that so far as it is paid by our own citizens, it is a matter of their own volition; they not being required to deal with the banks, unless they find it conducive to their interest to do so; and for the additional reason, that a portion of the profits of our banks are paid by citizens of other States and by foreigners. Neither am I so sanguine in my expectations of the successful operations of these institutions, as to believe that the period ever will arrive when they will have the effect of exempting the people from taxation. On the contrary, I feel fully certain, that taxation either direct or indirect, is the only legitimate source of revenue, under any form of government which has been, or ever can be devised. But as before remarked, the great argument in favor of the mode of taxation through the banks, is, that it is to a great extent, a matter of voluntary contribution, or a suitable return for corresponding benefits and advantages, rather than an imposition on the capital and labor of the community. If then the system be, and it is decidedly believed to be defensible in principle, let us proceed to inquire, whether the administration, regulation and management of that system, have been the best calculated to ensure its successful, practical operation. With the most perfect respect for the opinions of others, I am clearly of opinion, that they have not.

There are, in the present organization and mode of managing the banks of this State, three great, and in my opinion capital defects.

1. In the mode of appointing the Directors.
2. The number, and
3. The powers and privileges conferred upon them, and the rights they enjoy as Directors.

The present mode of appointing Presidents and Directors is by joint vote of the two Houses of the General Assembly, and a majority of the whole number is necessary to a choice; a mode in principle, conformable in every respect to the nature and genius of our institutions, and in the correctness of which, when applied to political objects, no one can have more unlimited confidence than I have. But I doubt the propriety of applying this principle to corporations; and especially, to corporations clothed with banking powers. For, however unpalatable the fact may be, it is nevertheless true, that every grant of corporate powers, is so much abstracted from the common stock, and is only conferred upon a few, because the many either cannot wield it all, or if at all, not so beneficially for the public good, as a smaller number. Hence the necessity of delegating the banking power of the State to a corporation. This power has been parcelled out amongst five institutions, to wit: the mother bank and four branches. These boards are filled annually, by the election of a President and twelve Directors, at all the institutions except one, and that is filled by the election of a President and fourteen Directors, making in all sixty-seven, each of which is entitled to accommodation to the amount of \$35,000. The sixty-seven bank officers, are elected by joint vote of the two Houses, consisting of one hundred and twenty-eight members; nearly one hundred of which are annually elected by the people. Now it does appear to me, that it is utterly impossible, for a body, the most numerous branch of which is constantly changing, can be sufficiently acquainted in the different sections of the State, in which the various banking institutions are located, to enable them to select persons, qualified to discharge and perform duties, the most difficult of any in the whole circle of human employment. If indeed, the embodied and collective intelligence of the Senate and House of Representatives, could be made to operate in the election of bank Directors, the present mode would be preferable to any other. But such is humbly conceived, not to be the fact. Every member has a right to nominate, and each member is furnished with strong inducements to exercise that right. Some may be impelled to exercise this right from a deep sense of the peculiar fitness of a particular individual; others by a desire to promote the wishes of their immediate constituents, (a motive of all others the most commendable, under a representative form of government) or it may be, that members of the Legislature, like all other human beings, may be more or less under the dominion of selfish feelings, and may make and support nominations, to promote some object, either of popularity or interest. Without attempting to enumerate all the objections which apply to the present mode of electing Directors, it may be remarked, generally, that it opens too many avenues to electioneering, which in legislative bodies, to go no further, is always destructive, sooner or later, of the purity of elections.

In submitting these remarks, I have an especial desire, not to be understood as intimating the slightest distrust in the purity and intelligence of the present General Assembly, in which I have the utmost confidence; or of attempting to cast, what I should consider, an unmerited imputation, on any preceding Legislature. My remarks are intended to refer to the imperfections of our common nature, not to particular bodies, and much less to individuals.

I therefore respectfully recommend to the General Assembly the propriety of so altering the mode of electing the Presidents and Directors of the State bank, and the different branches thereof, as to make it the duty of the executive to nominate to the Senate, double, or if it should be considered more conducive to the selection of an able, upright and efficient board, treble the number of Presidents and Directors of each of the banks, that from the number thus nominated, the Senate shall deduct one-half, or one-third as may be deemed most advisable, and that from the residue, after making such deductions, there shall be elected, by joint vote of the two Houses, a President and six Directors, for the State bank and each of its branches. It is not improbable, that in making these suggestions, I may subject myself to the imputation, of a desire to enlarge the powers of the Executive branch of the government, and to diminish the powers of the immediate representatives of the people—than which nothing is farther from my intention or wish. So far as it might affect the humble individual who now fills the Executive Department of the Government, I should greatly prefer, that the cup should pass by him. But I look upon it, as imposing additional responsibility upon the Executive and the Senate, without any increase of power or prospect of advantage. And even if it should abridge to some extent the present powers of the members of the House of Representatives, by depriving them of the right of nomination, it at the same time secures that principle of checks and balances, which is believed to be the most valuable in our system of polity. And in addition to all this, it may be remarked, that the present mode has been tested by time and experience; and if it has not signally failed, it has not answered public expectation, nor been productive of the benefits to the community, which it is confidently believed, can be attained by the method proposed.

Satisfied as I am of the necessity for a change in the mode of appointment, I am equally clear in my own mind, with respect to the propriety of reducing the number. To this conclusion I have been led by a variety of considerations.

In the first place, I consider unanimity of sentiment, and harmonious consent of action, as indispensably necessary, to the correct and able management of all monied institutions, and even admitting, that the present number could always be obtained, possessed of the necessary qualifications, which by the way, judging of the future by the past, I consider extremely doubtful, it is much more probable, that the desired unanimity of opinion, and concert of action could be secured by the election of a less number, than in the numerous boards, as they at present exist. I am also of opinion, that

the most effectual mode of ensuring the services of such boards of directory as the present condition of the banks, and the people imperiously require, is by paying them an adequate salary for their services. For, however much may be conceded to the patriotism of our people, and I am prepared to go all reasonable lengths upon that subject, it is hard to be expected, that competent men will be so far induced to relinquish their own interest, as to devote their time, to the toilsome acquisitions of the counting-house, to the management of public institutions without a corresponding compensation. Nor is it believed for a moment, that under the present system, patriotism is the only incentive, to induce persons to seek the appointment of bank Directors—appointments, it may be safely affirmed, sought with more avidity than any other in the disposal of the Legislature.

If these appointments are not sought for the distinction they confer, it must be for the profits and advantages they afford. And I deem it much more consonant with the public interest to give the Directors a compensation certain, to be fixed by law, than to leave to them the dangerous discretion of fixing the amount of their compensation, in the form of discounts, facilities, and accommodations.

It may be remarked too, that in proportion as you increase the number of Directors, or extend the amount of discounts and accommodations, you limit and curtail the amount of accommodations to the rest of the community. For, as bank Directors differ from the rest of mankind, they will, invariably consult their own interest first; a supposition which I consider fully sustained by some of the reports now before us.

With a view therefore to lessen the rights and powers of the different boards of Direction as now organized, I would respectfully suggest the propriety after reducing the number, to give them even a liberal salary, and to deprive them of all suitable restrictions and penalties, from all accommodations whatever, so long as they continue to be Directors. If then in the banks of which they are Directors, or any of the other State institutions. Thereby saying to them, that they are selected, confided in, and paid, not for the purpose of enabling them to borrow money themselves, but in order to manage our banking institutions, so as to promote the great and important objects for which they were intended.

From the insight I have been able to get into the present condition of our banks, taken in connection with the monetary affairs of the other States of this Union, and indeed of a large portion of the commercial world, I am unable to perceive any period at which our banks will be enabled to resume specie payments. For although the amount of circulation does not bear an unreasonable proportion to the amount of specie on hand, and of debts due to the banks; yet, when I consider the amount of the suspended debt, and the causes which led to that suspension, and the effects of which I do not believe, have by any means passed away, I am not sanguine in the expectation, that the banks will be able to resume specie payments as early as it must be desired by all they should, without further legislative aid. And although, I freely admit, that I ever have been opposed to any thing approaching to a prodigal use of the faith and credit of the State, yet that faith and credit, which I hope will always be preserved with the utmost inviolability, will be useless to us, unless in proper emergencies, we avail ourselves of it, to relieve from present, and guard against future embarrassments.

The act of June, 1837, although it has had the effect of affording great relief to a large portion of our citizens, has had the effect of accelerating the resumption of specie payments by the banks. Indeed, it was hardly to be expected that an act, the avowed object, and inevitable effect of which, was to relieve the debtors, and increase the circulation of the banks, could contribute much to this desirable object.

The five million of bonds created by that act for the purpose of enabling the banks to extend the necessary indulgence to their debtors, and of affording such additional facilities to the community as the exigency of the times seemed absolutely to require, have not been sold, nor is it believed, from the best information I have been enabled to obtain, that they can be sold advantageously, for specie, or its equivalent in their present form.

I therefore respectfully recommend to the General Assembly, the propriety of calling in, and cancelling these bonds, and of issuing a similar amount in sums of one thousand dollars each, bearing an interest of five per cent, payable at the option of the purchaser, redeemable in twenty or thirty years; and leaving the banks at liberty to dispose of the same for such funds as they may think proper, but requiring the banks to have such an amount of specie, as the General Assembly may in their wisdom think proper, at such time as they shall fix by law, and especially requiring the banks to limit their circulation, as to be enabled to resume specie payments by the period contemplated by the act of June 1837. And perhaps, it may be proper to adopt the same course in relation to all the bonds heretofore issued, for the purpose of increasing the capital stock of the different State institutions, and which remain unsold, subject however, to the restriction, that none of these bonds shall, in any event, become a part of the permanent capital stock of the bank or any of them.

It is confidently believed, that an arrangement of this kind will not only enable the banks to resume specie payments at an early day, but will also have the desirable effect, of affording the necessary facilities of buying and selling the present, and the two succeeding crops of cotton; a matter, in every respect worthy of the most deliberate consideration of the Representatives of the people.

I am decidedly of opinion, if some plan of this kind is not resorted to by the Legislature, the banks will be compelled to defer the payment of specie to a period greatly beyond what is desirable, or to curtail their discounts, and contract their circulation so rapidly, as not only to counteract the effects of former legislation upon this subject, but even to bring about a greater pressure for money, and a greater sacrifice of property, than has been felt or anticipated in this community.

Notwithstanding the advanced period of your session, there is one other subject, which I consider it my indispensable duty to bring to your notice.

I allude to the boundary line between this State and the State of Georgia, according to the article of cession between Georgia and the United States, entered into in 1802, the latter ceded to the former all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of the Chatahouchee river, where the same crosses the boundary between the United States and Spain, running thence up the said river Chatahouchee, and along the western bank thereof, to the great bend thereof, next above the place where a certain creek or river called "Uchee" (being the first considerable stream on the western side above the Cupetas and Coweta towns,) empties into the said Chatahouchee river; thence in a direct line to Nickajack on the Tennessee river. This is a literal copy of that part of the first article of the compact so far as it relates to this subject. An attempt was made to settle and run the line by commissioners appointed by authority of the respective States of Alabama and Georgia in 1826, which resulted in a disagreement, as to the point at which the line should leave the Chatahouchee river; the commissioners on the part of Alabama, contending that the true point of departure was, the great bend in the Chatahouchee, just above the place, where the creek or river called "Uchee" empties into the said Chatahouchee river; and the commissioners on the part of Georgia maintaining, that the true point of departure was the point at which the first considerable stream above the Cupetas and Coweta towns, emptied into the Chatahouchee river. In consequence of the disagreement as to the point of departure, the line was run by the authorities of Georgia alone, and has never been acquiesced in by the Government of Alabama.

My first examination and reflections upon the articles of session and agreement, satisfied my own mind conclusively, that the position assumed by the authorities of Alabama, was the correct one, and in that opinion I am sustained by one of my most distinguished predecessors in office, (Gov. Murphy,) who examined and discussed the subject with great ability at the time, and whose opinions I am warranted in saying, remain unchanged. From the official connection I have heretofore had with the discussion, and the attempt to settle this question, I purposely abstain from pressing my own opinions up

the General Assembly; but herewith have the honor to submit the opinion of the Attorney General of this State, which appears to me to be unanswerable.

It is highly important to have this question definitely settled, not only for the proper ascertainment of our Territorial limits, and the extent of our jurisdiction and sovereignty, but for the additional purpose of enabling the Government of the United States to complete the surveys, in the Territory recently acquired by treaty, from the Creek and Cherokee Indians, lying within the limits of this State.

It will therefore become the duty of the General Assembly, either to express the acquiescence of this State in the line run and established by the authorities of Georgia alone, or to adopt such means as they may deem necessary, for the final adjustment of this question.

Wishing you a speedy and successful termination of the public labors in which you are now engaged, I have the honor to be, with great respect, gentlemen,

Your obedient servant,

A. P. BAGBY.

Which was read and ordered to lie on the table, and 250 copies thereof ordered to be printed.

A message from the Senate by Mr Childress their assistant secretary, as follows—Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles: an act to appoint additional surveyors in the counties of Barbour and Dallas; an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes, and have amended the same as therein shewn; an act to establish a board of commissioners for the improvement of the Tombeckbee river and for other purposes; joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States; an act entitled an act to establish a company beat in the county of Autauga with a less number than forty privates; an act to attach the county of Bibb to the third judicial circuit and other purposes. They have also passed bills which originated in the Senate of the following titles: an act to alter and amend the charter of the Alabama life insurance company; an act to incorporate the Irwinton bridge company; an act to repeal in part an act therein named; an act requiring recommendations when made by the president or any director of the Bank of the State of Alabama or any of its Branches to be made in writing; an act to provide for the payment of certain claims therein specified; an act to attach a part of the county of Jefferson to the county of Blount; an act making it the duty of the sheriff, coroners or other officers holding the elections of the different counties in this State to take the sense of the people in relation to the expediency of establishing a penitentiary.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill to be entitled an act to mitigate the severity of the penal laws of Alabama; in which they ask the concurrence of your honorable body.

The House took up the engrossed bill entitled an act to attach Barney Ivy a citizen of Macon county to the county of Russell, as amended by the Senate, which was read and the amendment concurred in.

The engrossed bill entitled an act to regulate the wages of the doorkeeper of the House of Representatives as amended by the Senate, was read and the amendment concurred in.

The engrossed bill entitled an act to amend the charter of the Linden rail road company as amended by the Senate, was read and the amendment concurred in.

The engrossed bill entitled an act to alter and amend in part an act therein named as amended by the Senate, was read and the amendment concurred in.

Engrossed bill entitled an act to declare Attabby creek in the county of Henry a public highway for the purposes therein named, as amended by the Senate to the amendment of the House, was read. Mr Williams of H. moved to disagree to the amendment of the Senate; which was carried.

Engrossed bill entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes as amended by the Senate, was read and the amendment concurred in.

The engrossed bill from the Senate entitled an act to alter and amend the charter of the Alabama life insurance and trust company; the engrossed bill from the Senate entitled an act to incorporate the Irwinton bridge company; the engrossed bill from the Senate entitled an act to repeal in part an act therein named; the engrossed bill from the Senate entitled an act requiring recommendations when made by the president or any director of the Bank of the State of Alabama or any of its Branches, to be made in writing; the engrossed bill from the Senate entitled an act to provide for the payment of certain claims therein specified; the engrossed bill from the Senate entitled an act to attach a part of the county of Jefferson to the county of Blount; the engrossed bill from the Senate making it the duty of the sheriffs, coroners and other officers holding the elections of the different counties of this State to take the sense of the people in relation to the expediency of establishing a penitentiary; and the engrossed bill from the Senate entitled an act, to amend an act to mitigate the severity of the penal laws of Alabama, were severally read and ordered to a second reading on to-morrow.

Mr McClellan from the committee on enrolled bills reported as correctly enrolled bills of the following titles, to wit: an act to authorize Polite Collins to inherit real estate; an act to change the time of holding the circuit courts of the eighth judicial circuit of the State of Alabama; an act to compensate the commissioners of roads and revenue in the county of Cherokee; an act to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette and for other purposes; an act to raise a revenue for the county of Tallapoosa and other purposes; an act to amend an act for the establishment of schools in the county of Mobile and to provide a fund for the maintenance of the same, passed December 19th, 1836.

The House then proceeded to the consideration of the orders of the day.

The House resumed the consideration of the bill to amend the charters and for the better government of the Bank of the State of Alabama and the several Branches thereof. Mr Scott's of M. motion to strike out all of the 1st, 2d, 3d and 4th sections of the bill after the enacting clause being under consideration. Mr May moved to adjourn to three o'clock; which was carried. The House then adjourned until 3 o'clock, P. M.

Evening Session, December 13, 1837—The House met pursuant to adjournment.

Mr Scott of M. called up the bill to be entitled an act authorizing the judges of the county court of Montgomery county to hold a special term of said court which was read the second time. Mr Scott of M. moved to amend the enacting clause by inserting "State of Alabama;" which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

The House resumed the consideration of the bill to amend the charters and for the better government of the Bank of the State of Alabama and the several branches thereof. Mr Scott's of M. motion to strike out the four first sections after the enacting clause being under consideration.

A message from his Excellency the Governor by his private secretary, Mr Gooch, to wit:

Executive Department, December 13th, 1837.
To the General Assembly of the State of Alabama—Gentlemen: It becomes

my melancholy duty to inform you that there is a vacancy in the office of judge of the eighth judicial circuit, occasioned by the death of the Honorable William D. Pickett.

I have the honor to be your obedient servant,

A. P. BAGBY.

To the Honorable James W. McClung, Speaker of the House of Representatives.

Mr Coman who voted with the majority, moved to reconsider the vote taken on the postponement of the bill for the relief of Thomas Lowry, Jacob H. Pierce and Benjamin H. James; which was carried.

And then the House adjourned until to-morrow morning 9 o'clock.

Thursday, December 14, 1837.—Mr Williams of H. presented the account of Abraham Warren; which was read and referred to the select committee on Indian expenditures.

Mr Warren presented the petition of company of mounted gunmen; which was ordered into service against the Creek Indians, which was read and referred to the select committee on Indian expenditures.

Mr Owen presented the account of William Smith, sheriff of Washington county; which was read and referred to the committee on accounts.

The petition of Milner & Rowden was read and referred to a select committee consisting of Messrs Martin of B. McClellan and Cobb.

Mr Bates presented several petitions of the citizens and tax payers of the city of Mobile on the subject of election privileges; which were read and referred to the committee on the judiciary.

Mr Porter presented the account of Peter Dudley; which was read and referred to the select committee on Indian expenditures.

Mr May from the committee on Indian expenditures to whom was referred a memorial to the Congress of the United States in relation to the sufferers of the late Creek war, reported joint memorial as a substitute with sundry resolutions; which report was concurred in. Mr Cottrell moved to strike out all except the last paragraph; which was lost. The memorial and resolutions were then adopted.

A message from the Senate by Mr Childress their assistant secretary—*Mr Speaker:* The Senate have adopted the following resolution: *Resolved,* That the two Houses of the General Assembly will convene in the Representative hall, on Thursday the 14th December, for the purpose of electing a judge of the 8th judicial circuit, to fill the vacancy occasioned by the death of W. R. Pickett. Mr Payne moved to strike out the letter "R" from the name of Mr Pickett and insert the letter "D" in lieu thereof; which was carried. Mr Horton moved to amend the resolution by adding thereto the following: "and a member of the Medical board at Huntsville;" which was carried. Mr Long moved to amend by making the resolution say "at half past six o'clock, P. M.;" which was lost. Mr Scott moved to amend by adding "12 o'clock;" which was carried. Mr Warren moved to amend by adding the following: "also a judge of the county court of Dale county;" which was carried. Mr Oliver moved to reconsider the vote on inserting at "to-day at 12 o'clock;" which was carried. Mr Long moved to amend by striking out that part of the resolution which fixes the time of going into the election and insert "on Friday the 15th December, at half after 6 o'clock, P. M.;" which was carried. The resolution as amended was then adopted.

A message from the Senate by Mr Childress their assistant secretary, as follows—*Mr Speaker:* The Senate have passed bills which originated in the House of Representatives: an act to divorce Gincy Tidwell from her husband Peter B.

Tidwell; an act to divorce Daniel M. Noble from his wife Elizabeth Noble; an act to divorce Mary Weaver from her husband Daniel Weaver; an act supplemental to an act, entitled an act to extend the time of indebtedness to the State Bank and Branches and other purposes; an act to repeal an act therein named.

Mr Carmack from the select committee on Indian expenditures, to whom was referred the accounts of Allen Gentry, John Howard, A. C. Gordon, Reuben Squis, Buckner Williams, William J. Campbell and others, William P. Mewether, Willis Wood, Young Goodwin, H. Robertson, Solomon Wood, S. J. Catlin & Co., John Love, Robert McCall, Thomas Lantrip, James Taber and Robb & McKay, reported a bill to be entitled an act to compensate certain persons therein named; which was read and ordered to a second reading on tomorrow.

Mr Puckett from the committee to whom was referred the petition of the officers of the 79th regiment of the Alabama militia, reported that the objects of the petitioners are provided for in the general revision of the militia laws now under consideration of the General Assembly; and ask to be discharged from the further consideration thereof.

Mr McClellan from the committee on enrolled bills reported that they have examined and find correctly enrolled bills of the following titles, to wit: an act to authorize Eliza A. Thompson, guardian of Louisa Caroline Ely, to transfer said guardianship from the Orphans' court of Madison county to the Orphan court of Talladega county; an act to authorize Richard D. Shackelford to erect a toll bridge over the Suckernatchee river; an act to regulate certain judicial proceedings; an act to appoint additional surveyors in the counties of Barbour and Dallas; an act to appoint a committee of finance in the counties of Pike and Henry and for other purposes; an act to establish an academy at Franklin in the county of Macon and to incorporate the same; an act to amend the laws in relation to the collection of taxes on real estate; an act to provide for the repairing of the streets and alleys in the town of Jacksonville; an act to change the time of holding the county court of Benton; an act to attach the county of Bibb to the third judicial circuit and for other purposes; an act to incorporate the town of Oakville in the county of Lawrence; an act to establish a company beat in the county of Autauga with a less number than forty privates; an act to amend an act to incorporate the Florence bridge company, approved, January 12th 1832.

Mr Coman from the committee on rail roads to whom was referred a bill to be entitled an act to increase the capital stock of the Bank of the State of Alabama, and to authorize and require said bank to loan the sum of two hundred and fifty thousand dollars to the several rail road companies therein named, reported that they have according to order had the same under consideration, and instructed me to report the same as amended and recommend its passage. Mr Erwin moved to lay the report and original bill on the table which was carried. Ordered, that 100 copies of the substitute be printed.

Mr Greening from the committee on accounts to whom was referred the account of P. M. Bush sheriff of Marshall county and the account of John Varner clerk of the county court of Lowndes county, reported the same back to the House as not being sufficiently authenticated to authorize their allowance and asked to be discharged from the further consideration thereof; which was ordered to lie on the table.

Mr Greening from the same committee to whom was recommitted the account of the sheriff of Washington county, the account of Samuel Stephens jailor of Franklin county and the account of Aaron Smith of Washington county, reported that they have again had the same under consideration and have instructed me to report the same back to the House: the first as being properly chargeable to the county of Washington, and the two latter as

not being sufficiently authenticated to authorize their allowance and again ask to be discharged from the further consideration thereof. Mr Owen moved to lay the report on the table; which was carried.

Mr Puckett from the committee on military affairs to whom was referred the petition of the officers of the 13th brigade of the 5th division of Alabama militia, reported that they have had the same under consideration and have instructed me to report that it is inexpedient to legislate thereon; in which report the House concurred.

Mr Owen from the committee on county boundaries to whom petitions were referred praying the establishment and organization of an additional county on the West side of the Tombecbee river, reported a bill to be entitled an act to establish the county of which was read and ordered to a second reading on to-morrow.

Mr Williams of H. from the special committee to whom was referred the petition of a portion of citizens of Dale county on the subject of being added to Henry county, reported a bill to be entitled an act to alter the boundary lines of the counties of Henry and Dale, and to establish a new county therein named; which was read. Mr Warren moved to lay the bill on the table. Mr Warren then moved the indefinite postponement of the bill; which was carried.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Aldridge Address Beauchamp Blake Boston Brashier Brevard Cane Carmack Clifton Cobb Coman Cook Davis of B. DeJarnett Finley Godbold Greening Hammond Jones of C. King Lee Martin of B. May McAlpin McClannahan of M. Nelson Parker Payne Priest Rogers Scott of J. Simmons of L. Skinner Smith of D. Spencer Stephenson Taylor Tiffin Vining Warren and Williams of P.

Those who voted in the negative, are messrs Speaker Ashurst Baker Booker Burt Calhoun Cochran Cottrell Daniel Davis of M. Erwin Gann Gordon Horton Long Lucas McClellan McCord Oliver Owen Perryman Phillips Puckett Ross Scott of M. Simmons of P. Smith of M. Tarrant Weissinger Williams of H. Wilson and Womack.

Mr Erwin from the select committee to whom was referred the petition of sundry citizens of Greene county in relation to the removal of the seat of justice for said county, reported a bill to be entitled an act to provide for the more permanent location of the seat of justice in the county of Greene; which was read and ordered to a second reading on to-morrow.

Mr McAlpin from the select committee composed of the delegation from Greene county to whom was referred the petition of the citizens of the town of Clinton, reported a bill to be entitled an act to revise an act to incorporate the town of Clinton in the county of Greene, approved, January 9th, 1836; which was read and ordered to a second reading on to-morrow.

Mr Phillips offered the following joint resolutions:

FIRST. Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it is expedient for the Congress of the United States to establish a National Bank.

SECOND. And be it further Resolved, That our Senators in Congress be instructed and our Representatives be requested, to support the charter of a National Bank.

Mr Taylor moved that said resolutions be indefinitely postponed, Mr Carmack moved to postpone the same until the first day of December next. Mr Speaker decided that a motion to postpone until the first day of December next, was equivalent to a motion to indefinitely postpone and was out of order, from which decision Mr Carmack appealed, and the House sustained the decision of the chair. Mr Porter moved to refer it to a select committee. Mr Cottrell moved the previous question; which was sustained. The main question being on the adoption of the resolutions: Mr Cottrell moved a reconsideration of the vote taken on the previous question; which was lost. A division of the question being then called for, the question was first taken, on the adoption of the first resolution and lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs Address Bates Bestor Blake Daniel Erwin Godbold Greening Jones of B. Lee Martin of P. McAlpin McLemore Phillips Porter Priest Puckett Rawls Ross Simonton Stephenson and Womack.

Those who voted in the negative are, messrs Speaker Aldridge Ashurst Baker Beauchamp Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of M. DeJarnett Finley Gann Gordon Hammond High Horton Jones of C. King Long Lucas Martin of B. May McClannahan of M. McClellan McCord Morris Nelson Oliver Owen Parker Payne Perryman Prim Rogers Scott of J. Scott of M. Sheffield Shields Simmons of L. Sim-

mons of P. Skinner Slaughter Smith of D. Smith of m. Spencer Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of P. and Wilson.

The question was then taken on the second resolution and lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Address Bestor Erwin, Greening Jones of B. Martin of P. McAlpin Phillips Porter Priest Puckett Ross Simonton Stephenson and Womack.

Those who voted in the negative are, messrs Speaker Aldridge Arhurst Baker Bates Beauchamp Blake Booker Boston Brazier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Cook Cottrell Cross Daniel Davis of B. DeJarnett Gann Godbold Gordon Hammond High Horton Jones of C. King Lee Long Lucas Martin of B. May McClannahan of m. McClellan McCord McLemore Morris Nelson Oliver Parker Payne Perryman Prim Rawls Rogers Scott of L. Scott of M. Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of m. Spencer Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of P. and Wilson.

The House then proceed to the orders of the day.

Joint resolutions to adopt and provide for printing and distributing the system of militia laws prepared by Generals Crabb and Bradford, and for other purposes; was taken up.

Mr Puckett moved to amend the same with an additional resolution by way of engrossed rider; which was carried. The resolutions was then read and passed. Ordered, that the same be sent to the Senate for their concurrence.

The House then resumed the consideration of the bill to amend the charter and for the better government of the Bank of the State of Alabama and the several branches thereof. Mr Scott of M's. motion to strike out the first four sections after the enacting clause, being under consideration: and after some time spent thereon, the House adjourned until three o'clock, P. M.

Evening Session, December 14.—The House resumed the consideration of the bill to amend the charters and for the better government of the Bank of the State of Alabama and the several branches thereof. Mr Scott of M's. motion to strike out the four first sections after the enacting clause, being under consideration. Mr Williams of H. moved the previous question; which was lost.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Aldridge Baker Booker Boston Brashier Brevard Calhoun Carmack Clifton Cobb Coman Cook Cottrell Cross Daniel Gann Gordon Greening High Johnson Long Martin of P. McLemore Nelson Phillips Priest Prim Puckett Rogers Sheffield Simmons of L. Simmons of P. Simonton Stephenson Tarrant Taylor Tiffin Vining Warren Williams of H. and Wilson.

Those who voted in the negative are, messrs Speaker Bates Beauchamp Bestor Blake Burt Carmack Cochran Davis of B. Davis of M. DeJarnett Erwin Finley Godbold Hammond Horton Jones of B. Jones of C. King Lea May McAlpin McClannahan of m. McClannahan of S. McClellan McCord Morris Oliver Owen Parker Payne Perryman Porter Ross Scott of J. Scott of m. Shields Skinner Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin Weissinger Williams of P. and Williams of T.

The question was then taken on the motion of Mr Scott of M. to strike out all the four first sections of the bill after the enacting clause and lost.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Speaker Aldridge Address Baker Bates Booker Brashier Cane Coman Cross Davis of m. Gann Godbold Greening High Horton Johnson Jones of B. King Martin of P. McClellan Nelson Perryman Priest Puckett Rawls Rogers Scott of m. Sheffield Simmons of P. Simonton Skinner Stephenson Taylor Tiffin Vining Williams of H. and Wilson.

Those who voted in the negative are, messrs Beauchamp Bestor Blake Boston Brevard Burt Calhoun Carmack Clifton Cobb Cochran Cook Cottrell Daniel Davis of B. DeJarnett Erwin Finley Gordon Hammond Jones of C. Lee Long May McAlpin McClannahan of M. McClannahan of S. McCord McLemore Morris Oliver Owen Parker Payne Phillips Porter Prim Ross Scott of J. Shields Simmons of L. Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin Warren Weissinger Williams of P. and Williams of T.

A message from the Senate by Mr Childress their assistant Secretary: Mr. Speaker. The Senate have passed a bill to be entitled an act to authorize the citizens of Mobile to hold a Convention, to determine upon the propriety of amending the present charter of said city or the establishment of a new charter for said corporation; in which they ask the concurrence of your honorable body.

A message from His Excellency the Governor by Mr Gooch his private secretary, as follows: Mr Speaker: His Excellency the Governor, this day, approved and signed bills which originated in the House of Representatives, of the titles following, namely: An act to secure the fine for defaulters for working on public roads; an act to permanently establish the seat of justice in Tallapoosa county; an act authorizing the judge of the county

court and commissioners of roads and revenue of the county of Butler to levy a county tax; an act to protect the remains of the dead and for other purposes; an act to require the several medical boards of this State, to keep a seal of office and for other purposes.

A message was received from the Senate, by Mr Childress, their assistant secretary.—Mr Speaker: The Senate have passed a bill to be entitled an act to authorise the Tennessee canal commissioners, to settle and pay for work done on said canal, by John R. & S. S. Henry, assignee of John B. Ives & Co. upon the principles of equity and justice; in which they ask the concurrence of your honorable body.

A message from his Excellency, the Governor, by Mr Gooch, his private secretary, to wit:

Executive Department, December 14, 1837.

To the General Assembly of the State of Alabama: Gentlemen—A vacancy has occurred in the Board of Trustees of the University of Alabama, by the resignation of Charles D. Connor, Esquire, of the 7th judicial circuit.

I have the honor to be your ob't. servant, A. P. BAGBY.

To the Hon. JAMES W. McCLUNG, Speaker of the House of Representatives.

Mr May moved to adjourn until to-morrow morning, 9 o'clock, it being fifty minutes after five o'clock, P. M. which was carried. And the House adjourned until to-morrow morning, 9 o'clock.

Friday, December 15.—The bill from the Senate entitled an act to authorise the citizens of Mobile to hold a convention to determine the propriety of amending the present charter of said city, or the establishment of a new charter for said corporation, was read and ordered to a second reading on to-morrow.

The bill from the Senate to authorise the Tennessee canal commissioners, to settle and pay for work done on said canal by John R. & S. S. Henry, assignees of John B. Ives & Co. upon the principles of justice and equity, was read and ordered to a second reading on to-morrow.

Mr Goldbold presented the petition of sundry citizens of Clarke county, recommending the appointment of a certain person therein named for judge of the county court of said county; which was read and ordered to be laid on the table.

Mr Coman from the committee on rail roads, to whom was referred the memorial of sundry citizens of Marengo county, reported that they have according to order, had the same under consideration, and have instructed me to report it back to the House, inasmuch as the subject matter of the memorial, is embraced in a bill reported to the House on yesterday, and asked to be discharged from the further consideration thereof; in which report the House concurred.

Mr Davis of M. from the committee on proposition and grievances, to which was referred the petition of sundry citizens of Jackson county, praying the emancipation of a certain colored man therein named, reported a bill to be entitled an act to emancipate a certain slave therein named; which was read. Mr Phillips moved to lay the bill on the table; which was lost. The bill was then ordered to a second reading on to-morrow.

Mr Carmack from the select committee on Indian expenditures, to whom was referred the accounts of Captain A. Warren, George T. Speaks, H. L. Stewart, Benjamin Young of the Greensboro Artillery Guards, Hosea Halley, J. G. Barrow, H. Phillips, Stephen Chaney, Peter Dudley and John Donnelly, reported that they have had the same under consideration, and instructed me to report a bill to be entitled an act to compensate certain persons for services rendered the State and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Carmack from the same committee, to whom was referred the muster roll

of Captain Littleberry Rogers, reported a bill to be entitled an act to provide for the payment of a corps of troops therein specified; which was read and ordered to a second reading on to-morrow.

Mr Carmack from the same committee, to whom was referred the accounts of H. C. Towns and C. J. Shackelford, reported that they have had the same under consideration, and have instructed me to report that they ought not to be allowed, and ask to be discharged from the further consideration thereof. Mr Gordon moved to lay the report on the table; which was carried.

Mr Greening from the committee on accounts, to whom was referred the claims of sundry persons against the State, reported a bill to be entitled an act making appropriations for the payment of certain claims against the State; which was read and ordered to a second reading on to-morrow.

Mr Puckett from the military committee, to whom was referred the bill to incorporate the Light Artillery Borderers, reported that they have had the same under consideration, and instructed me to report that it is inexpedient to pass said bill. Mr Morris moved to lay the report on the table; which was carried. The bill was then read the second time. Mr McClellan moved to strike out the words "subject to the orders of the commander-in-chief only," in the first section of the bill; which was carried. Mr Aldridge moved to amend by striking out the first section of the bill; which was carried. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to authorise the formation of limited partnerships; an act to regulate the wages of the door-keeper and messenger of the House of Representatives and door-keeper of the Senate; an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes; an act supplemental to an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and for other purposes, passed 30th June, 1837; an act to divorce Mary Weaver from her husband Daniel Weaver, and joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States.

Mr Johnson introduced a bill to be entitled an act to repeal in part an act therein named, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Carmack moved to take from the table the bill for the suppression of vice and immorality; which was lost.

Mr May introduced a bill to be entitled an act for the relief of Ferguson and Eaton; which was read and ordered to a second reading on to-morrow.

Mr Puckett introduced a bill to be entitled an act giving additional powers to the judges of the county courts; which was read. Mr McLemore moved to lay the bill on the table; which was carried.

Mr Morris introduced a bill to be entitled an act to authorise certain persons therein named to construct a road; which was read and ordered to a second reading on to-morrow.

Mr Erwin introduced a bill to be entitled an act in relation to title bonds; which was read and ordered to a second reading on to-morrow.

Mr Aldridge offered the following resolutions, *Resolved*, That the House will have night sessions, the remainder of the session, to commence at 7 o'clock for the purpose of disposing of business of a local character. *Resolved further*, That the local measures not be taken up out of its order, but shall be taken up agreeable to number, the eldest having the precedence, the second eldest, next,

and so on. Mr Long moved to amend by striking out "7 o'clock," and insert "half after six o'clock."

A message was received from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills which originated in the House of Representatives, of the following titles, to wit: An act to provide for the recovery of the value of slaves in certain cases, and have amended the same as therein shewn; an act to divorce Mary Moniac from her husband Alexander Moniac; an act to provide for the sale of lands and slaves at the town of Courtland in certain cases. The Senate insist on their amendment to the amendment of the House to the bill to declare Attabby creek a public highway; and then he withdrew.

The House then resumed the consideration of the resolution offered by Mr Aldridge, Mr Long's amendment being under consideration. Mr Johnson moved to strike out all after the word "resolved," and insert in lieu thereof, the following: "That this House will hold night sessions, to commence at half past six o'clock P. M. for the remainder of the session, for the purpose of disposing of the orders of the day;" which was carried. The resolution was then read and adopted.

The House then took up the engrossed bill entitled "an act to provide for the recovery of the value of slaves in certain cases;" the amendment of the Senate being under consideration. Mr Calhoun moved to lay the amendment on the table; which was carried.

Engrossed bill entitled an act to declare Attabby creek, in the county of Henry, a public highway, for purposes therein named, was taken up, with the message of the Senate insisting on their amendment to the bill. Mr Williams of H. moved to postpone its further consideration, until the first Monday in January next; which was carried. Mr Calhoun who voted in the negative, moved to reconsider the vote taken on laying on the table the amendment of the Senate to the bill entitled an act to provide for the recovery of the value of slaves in certain cases; which was carried. The amendment of the Senate then being under consideration; Mr Erwin moved to disagree to the amendment of the Senate; which was carried.

Mr Nelson who voted with the majority on the indefinite postponement of the bill entitled an act to alter the boundary lines of the counties of Henry and Dale, and to establish a new county therein named, moved to reconsider the vote taken thereon; which was lost.

Ordered, that Mr Porter be added to the committee on the State Bank.

Mr Horton introduced a bill to be entitled an act to change the hours of administrators' sales; which was read and ordered to a second reading on to-morrow.

Mr Davis of M. from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Franklin county, reported a bill to be entitled an act authorising a lottery for the benefit of Washington Lodge. No. 36, of ancient Free Masons; which was read and ordered to a second reading on to-morrow.

Mr Cottrell introduced a bill to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue of Lowndes county, to sell a certain lot or tract of land, and to purchase another, which was read and ordered to a second reading on to-morrow.

Mr Finley introduced a bill to prevent frauds in the sale of flour; which was read and ordered to a second reading on to-morrow.

Mr Boston offered the following resolution: *Resolved*, That the committee

on education be instructed to inquire into the expediency of making it the duty of commissioners of sixteenth sections to proportion the funds of each township according to its population in all townships that may be divided by county line in this State.

Resolved, That the commissioners of townships where sixteenth sections may be divided by county lines, it is hereby made the duty of said commissioners to pay over to some suitable person that may be appointed by said fractional part of said township, the proportionable part of said township funds in the county where such fractional part is situated, with leave to report by bill or otherwise which was adopted.

Mr Godbold introduced bills entitled, an act to regulate justices courts in Clarke county and for other purposes: and an act to increase the pay of jurors in Clarke county; which were severally read and ordered to a second reading to morrow.

Mr Smith of M. from the committee on the State bank to whom was referred amended resolutions of members from Tuscaloosa in relation to the bank, reported that they have considered the same, and ask leave to report the same back to the House with the following amendments: after the word "three" in the fifth line from the top in the fifth resolution insert "for the bank of the State of Alabama and each of the branches thereof;" Mr Porter moved to lay the report and amendments on the table: Mr Erwin moved to amend Mr Porter's motion to lay on the table adding "and resolutions," which was carried. The question was then taken on the motion to lay the report and amendments, together with the resolutions on the table, and lost—yeas 41, nays 42.

Those who voted in the affirmative are, *messrs* Andress Ashurst Beauchamp Bestor Boston Brashier Cane Carmack Clifton Cochran Cook Daniel Davis of B. Erwin Gordon Hammond Johnson Lee Lee Martin of B. May McClannahan of M. McClannahan of S. Morris Oliver Owen Parker Prim Simmons of L. simonton Smith of M. Spencer Tarrant Taylor Tiffin Toulmin Vining Williams of H. Williams of P. and Williams of T.

Those who voted in the negative are, *messrs* Speaker Alston Baker Blake Booker Brevard Burt Calhoun Coman Cottrell Davis of M. Finley Greening High Horton Jones of B. Jones of C. King McAlpin McClellan McCord McLemore Nelson Payne Perryman Phillips Porter Priest Puckett Rogers Ross Sax of J. Sheffield Shields Simmons of P. Skinner Slaughter Smith of D. Stephenson Weissinger Wilson and Womack.

Mr Erwin moved to postpone its further consideration until Monday next 10 o'clock, and that it be made the special order for that time which was carried.

The House then took up the orders of the day, and resumed the consideration of the bill to amend the charters and for the better government of the bank of the State of Alabama and the several branches thereof: Mr Williams of T. moved to amend the first section by striking out "two" and inserting "one," which was carried: Mr Williams of T. also moved to strike out "four" and insert "six" in the same section. A division being called for, the House adjourned until 6 o'clock P. M.

Afternoon Session, December 15.—House met pursuant to adjournment.

The House resumed the consideration of the bill to amend the charters and for the better government of the bank of the State of Alabama and the several branches thereof: Mr Williams of T's. motion to strike out "four" where it occurs in the first section of the bill, being under consideration, was taken and lost yeas 18, nays 70.

The yeas and nays being desired, those who voted in the affirmative are, *messrs* Ashurst Bates Bestor Burt Calhoun Cross Davis of B. Finley Greening Jones of C. May McClannahan of M. Oliver Perryman Scott of J. Simmons of P. and Williams of T.

Those who voted in the negative are, *Speakers* Aldridge Andress Baker Beauchamp Blake Booker Boston Brashier Brevard Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Daniel Davis of B. DeJarnett Erwin Gann Godbold Gordon Hammond High Horton Johnson Jones of B. King Lee Lee Martin of B. Martin of P. McAlpin McClannahan of S. McCord McLemore Morris Nelson Owen Payne

Phillips Porter Priest Prim Puckett Rawls Rogers Ross Sheffield Shields Simmons of L. Skinner Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of p. Wilson and Womack.

A message from the Senate by Mr Childress, their assistant secretary.—**Mr Speaker:** The Senate have passed a bill from the House of Representatives entitled an act to divorce Dory Ann Hall from her husband *Henry M. Hall*.

A message from the Senate by Mr Connor their secretary.—**Mr Speaker:** The Senate concur in the amendments of the House to their resolution proposing to elect a judge of the 8th judicial circuit, and have amended the amendment of the House by striking out the word "a" before "member," and insert the word "three" and add the letter "s" to the word "member." The Senate also concur in the amendment made by the House to the bill entitled an act for the government of turnpike roads, and have amended the amendment of the House as therein shewn, in all of which they ask the concurrence of the House of Representatives.

The bill to amend the charters and for the better government of the bank of the State of Alabama and the several branches thereof, being still under consideration, Mr Smith of M. offered the following amendment after the word "thereof" in the 8th line insert the following words "the Presidents to be elected from the citizens at large, and the Directors for each bank to be elected from the number of citizens to be nominated by the Governor for the time being: Mr Wilson moved to lay the amendment on the table, which was carried: Mr Baker moved to postpone its further consideration until the first day of January next, which was lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Aldridge Andress Baker Bates Booker Brashier Cane Conan Cross Davis of m. Gann Godbold Greening High Horton Johnson Jones of B. King Martin of B. Martin of p. Nelson Perryman Porter Priest Puckett Rawls Rogers Scott of m. Simmons of P. Simonton Skinner Stephenson Taylor Tiffin Vining and Wilson.

Those who voted in the negative are, messrs Speaker Ashurst Beauchamp Bester Blake Boston Breard Burt Calhoun Carmack Clifton Cobb Cochran Cook Cottrell Daniel Davis of B. DeJarnett Erwin Finley Gordon Hammond Jones of C. Lee Long May McAlpin McClannahan of m. McClannahan of s. McCord McLemore Morris Oliver Owen Payne Phillips Prim Ross Scott of J. Sheffield Shields Simmons of L. Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin Warren Weissinger Williams of H. Williams of p. Williams of T. and Womack

Mr Scott of J. moved to amend as follows, after the word "thereof" in the fourth line of the first section insert the words "at Mobile and Montgomery," and, on motion of Mr Williams of H. it was laid on the table. Mr Cochran moved to amend by sundry sections to come in at the end of the fifth section as follows:

Sec. *And be it further enacted* That the Bank and its severat branches shall loan three fourths of its capital on accommodation notes payable twelve months after the date thereof and that at the maturity of such accommodation notes the same may be renewed for another period not exceeding one year, on payment of one half the amount of the said notes together with the discount on the renewed loan.

Sec. *And be it further enacted,* That the Ptesident and Directors of the State Bank and branches, may at any time call on the maker and endorser of any such discounted note for additional security if they deem it necessary for the security of the Bank—and if such additional security be not furnished within twenty days after notice, said note shall become and be due and suit shall be commenced thereupon immediately.

Sec. *And be it further enacted,* That the Directors of the said Bank and its branches shall apportion and distribute the said loans as equally as practicable, among the citizens of the respective counties, having due regard for the population thereof, and no loan under this act to any person, body corporate or association whatever shall exceed two thousand dollars.

Sec. *And be it further enacted,* That the amount of money apportioned to each county, and the day on which the several counties may receive the same, shall be advertised in the newspapers of this State at least two months previous to the day of making the discounts under this act.

Sec. *And be it further enacted,* That the Directors of said Bank and its branches, shall with as little delay as possible, after the first day of January next, apportion and discount in the manner required by this act, the amount of money each county may be entitled to under the provisions of this act.

Sec. *And be it further enacted,* That notice of protest or non-payment shall not be necessary to charge any endorser nor security, or shall any charge be made for presenting for payment, protesting or giving notice of the non-payment of any note made under this act, and that in all suits commenced

upon any note or notes made under this act, all parties thereto as maker or endorser or surety may joined and sued in one section.

Mr Daniel moved to lay the amendments offered by Mr Cochran on the table which was carried.

The action of the House on the bill was then suspended for the present for the purpose of acting on the message from the Senate proposing to elect at the past six o'clock, a judge for the 8th judicial circuit, and a judge of the county court of Dale county, also three members of the medical board at Huntsville. Ordered, that the House concur in the amendments made by the Senate the resolution last above specified.

Ordered, that the House concur in the amendment made by the Senate to the bill proposed by the House to the Senate bill entitled "an act for the better government of turnpike roads.

The House again resumed the consideration of the subject of the bill to amend the charters and for the better government of the Banks of the State of Alabama and the several branches thereof.

Mr Finley moved to amend the same by striking out the 5th section of the bill which was lost.

Mr Smith of M., moved to amend by adding at the end of the bill, three additional sections as follows, to wit:

Sec. *And be it further enacted by the authority aforesaid, That from and after the passage of this act, that in all cases where an accommodation note shall be offered at the Bank of the State of Alabama or either of the branch Banks for discount, and shall be presented at the Bank in the proper person to the drawer, it shall be the duty of the President and Directors of such Bank to cause the discount to be marked that fact upon the note and place it upon the offering book according to the date of which offered—and it shall be the duty of the President and Directors of said Bank, and they are hereby joined to consider each note so placed on the offering book according to the order in which they are placed thereon for discount.*

Sec. *And be it further enacted by the authority aforesaid, That all notes offered at any of said Banks for discount by any other person than the principal or maker thereof, the person offering such note or notes, shall file with each note a written affidavit that he has neither directly nor indirectly any interest whatsoever, in obtaining a discount thereof, nor is he to receive any compensation therefor either directly or indirectly as Bank agent or otherwise.*

Sec. *And be it further enacted by the authority aforesaid, That all notes hereafter offered at the Bank of the State of Alabama or either of its branch Banks for discount by any other person than the principal or maker thereof, without first filing an affidavit as aforesaid in the foregoing section, such note or notes may be discounted; provided nevertheless, that no note offered for discount by any other person than the principal or maker, without filing such affidavit shall be discounted at seven per cent. on short time, and not at six per cent., as in cases where notes are offered by the principal maker thereof, or when offered by other person or persons accompanied with an affidavit as aforesaid.*

The House then adjourned till half past six o'clock, P. M.

Evening Session, December 15, 1867.

Mr Cotrell offered the following resolution, *Resolved*, That the Senate be now invited into the Hall of the House of Representatives for the purpose of going into the election of a judge of the 8th judicial circuit, and three members of the medical board at Huntsville, and judge of the county court of Dale county; which was adopted. Ordered, that the clerk acquaint the Senate therewith.

The Senate then assembled in the Representative Hall and took their seats. The two houses then proceeded to the election of a judge of the circuit court for the 8th judicial circuit, Abraham Martin, John P. Booth, N. Cook, E. Dargan and F. Bagby being in nomination.

Those who voted for Mr Martin are, messrs President Fleming Frazier Hill Moore Smith Terry Wilson, of the Senate; messrs Aldridge Baker Blake Booker Brashier Cobb Cochran Coman Davis of M. Finley Cannon Horton Johnson Martin of B. Morris Nelson Parker Payne Prim Rains of P. and Wilson, of the House of Representatives.

Those who voted for Mr Booth are, messrs Arnold Musgrove Posey Spann and Wellborn, of the Senate; messrs Alston Beauchamp Boston Clifton Godbold Gordon Jones of C. Long Rawls Sheffield Simmons of P. Warren and Williams of H. of the House of Representatives.

Those who voted for Mr Dargan are, messrs Mays Rains Simmons and Wallace, of the Senate; messrs Ashurst Brevard Burt Calhoun Davis of B. DeJarnett Erwin Martin of P. McAlpin McLemore Owen Phillips Priest Scott of J. Scott of M. and Weissinger, of the House of Representatives.

Those who voted for Mr Bugby are, messrs Farrar Goyne, Lee Rather Riddle and Watrous, of the Senate: messrs Speaker Bestor Carmack Hammond King May McClannahan of m. McClannahan of S. McClellan Porter Simonton Slaughter Smith of D. Tarrant and Williams of T. of the House of Representatives.

Those who voted for Mr Cook are, messrs Burke Crabb Devereaux Elmore Anderson Hudson and Roberts, of the Senate: messrs Address Bates Cane Cook Cottrell Daniel Greening Jones of B Lee McCord Perryman Puckett Ross and Womack, of the House of Representatives.

Neither having received a majority of all the votes given, the two Houses proceeded to a second balloting, Mr Booth's name being withdrawn.

Those who voted for Mr Martin are, messrs President Arnold Elmore Fleming Frazier Hill Moore Musgrove Posey Smith Spann Terry Wellborn and Wilson, of the Senate: messrs Aldridge Baker Beauchamp Blake Booker Boston Brasher Cane Carmack Clifton Cobb Cochran Coman Cross Davis of m. Finley Gann Godbold Gordon High Horton Johnson Jones of C. Martin of B. Morris Nelson Parker Payne Prim Rawls Rogers Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of m. Spencer Taylor Tiffin Toulmin Vining Williams of P. and Wilson, of the House of Representatives.

Those who voted for Mr Dargan are, messrs Mays Rains Simmons and Wallace, of the Senate: messrs Alston Ashurst Brevard Burt Calhoun Davis of B. DeJarnett Erwin Martin of P. McAlpin McLeinore Oliver Owen Phillips Priest Puckett Scott of J. Scott of m. and Weissinger, of the House of Representatives.

Those who voted for Mr Bugby are, messrs Goyne Lee Rather Riddle and Watrous, of the Senate: messrs Speaker Bestor Hammond King Long May McClannahan of m. McClannahan of S. McClellan Porter Simonton Slaughter Smith of D. Tarrant and Williams of T. of the House of Representatives.

Those who voted for Mr Cook are, messrs Burke Crabb Devereaux Henderson Hudson and Roberts, of the Senate: messrs Address Bates Cook Cottrell Daniel Greening Jones of B. Lee McCord Perryman Ross Warren Williams of H. and Womack, of the House of Representatives.

Neither of the candidates having a majority of all the votes given, the two Houses proceeded to a third balloting, the names of messrs Bugby and Cook being withdrawn.

Those who voted for Mr Martin are, messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Goyne Hill Moore Musgrove Posey Riddle Smith Spann Terry Warrous Wellborn and Wilson of the Senate: messrs Aldridge Baker Beauchamp Blake Booker Boston Brashier Cane Carmack Clifton Cobb Cochran Coman Cross Davis of m. Finley Gann Godbold Gordon Hammond High Horton Johnson Jones of C. King Martin of B. McClannahan of m. McClellan Morris Nelson Parker Prim Payne Rawls Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of m. Spencer Stephenson Taylor Tiffin Toulmin Vining Warren Williams of P. Williams of T. and Wilson, of the House of Representatives.

Those who voted for Mr Dargan are, messrs Burke Henderson Hudson Lee Mays Rains Rather Roberts Simmons and Terry, of the Senate: messrs Speaker Alston Address Ashurst Bates Bestor Brevard Burt Calhoun Cook Cottrell Daniel Davis of B. DeJarnett Erwin Greening Jones of B. Lee Long Martin of P. May McAlpin McClannahan of S. McCord McLeinore Oliver Owen Perryman Phillips Porter Priest Puckett Scott of J. Scott of m. Tarrant Weissinger Williams of H. and Womack of the House of Representatives.

Abraham Martin having a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the circuit court for the 8th judicial circuit of this State.

The two Houses then proceeded to the election of a judge of the county court for the county of Dallas; William Harper alone being in nomination, having received all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court for the county of Dallas.

The two Houses then proceeded to the election of three members of the medical board at Huntsville, messrs Alexander Erskin, Alfred Moore and Jonathan McDonald, being in nomination, and having received a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected members of the medical board at Huntsville.

The Senate then withdrew, and the House adjourned until to-morrow, 9 o'clock.

Saturday, December 16.—Mr Martin of B. moved a call of the House (it being twenty minutes after nine) which was sustained; when the following members appeared and answered to their names, to wit: messrs Beauchamp, Blake, Booker, Boston, Brashier, Burt, Cane, Carmack, Clifton, Clough, Cobb, Coman, Cross, Davis of m., Finley, Godbold, Gordon, Greening, Hammond, High, Jones of B., Jones of C., Long, Lucas, Martin of B., McClannahan of m., McClellan, McCord, Morris, Nelson, Phillips, Porter, Priest, Prim, Rogers, Ross, Sheffield, Simmons of L. Simmons of P., Skinner, Slaughter, Smith of D. Smith of m. Stephenson, Tarrant, Taylor, Tiffin, Toulmin, Vining, Warren and Wilson. A quorum of the members being present, the House proceeded to business.

Ordered, that the committee on accounts have leave to sit during the hours in which the House may be in session.

Ordered, that the committee of investigation have leave to sit during the sit-

ting of the *House*, and that messrs Erwin and Smith of *M.* be added to said committee.

The following resolution was taken up and adopted, *Resolved*, that the last clause of the first rule of this *House* (which requires the journal of the preceding day to be read) be dispensed with for the remainder of the present session of the General Assembly.

The following message was received from the *Senate* by Mr Childress their assistant secretary.—Mr Speaker: The *Senate* have passed bills which originated in the *House* of Representatives of the following titles, viz: an act to divorce Rebecca Beaty from her husband Ezekiel A. Beaty: an act to make and declare the Uphauppie Creek a public highway: an act to be entitled an act to repeal in part a certain act therein specified: an act to authorise William C. Bulger to establish a ferry on Tallapoosa river: an act for the relief of Elizabeth Jewell: an act for the relief of Patience Powell, and have amended the same as therein shewn. They have also passed bills which originated in the *Senate*, entitled an act to incorporate Warrenton in the county of Dallas: an act to repeal in part an act therein named: an act to incorporate the Tallapoosa improvement and navigation company: an act to explain an act to increase the pay of jurors in certain counties therein named: an act to lay out the county of Macon into company beats and for other purposes: an act to incorporate the town of Montgomery: an act for the relief of Wm. Smith of Madison county: an act to incorporate the Fireman's Insurance Company of Mobile: an act for the permanent location of the seat of justice in the county of Russell: an act to revive and repeal in part and amend an act to incorporate the town of Irwinton in the county of Barbour, approved January 11th 1832: an act to incorporate Auburn Academy: an act to authorise the judge of the county court and commissioners of roads and revenue to appoint an additional number of auctioneers in Mobile county: an act to incorporate the Carthage Academy in the county of Tuscaloosa: an act to attach a part of Marion to Fayette county: an act to incorporate the trustees of the Bishop's fund of the diocese of Alabama: an act to incorporate the town of Clayton in Barbour county: an act for the relief of Rolent Gregory: an act to provide for the more permanent location of the seat of justice in the county of Greene.

Ordered that the *House* concur in the amendment of the *Senate* to their bill entitled "an act for the relief of Patience Powell."

The following bills from the *Senate* entitled, An act to provide for the more permanent location of the seat of justice in the county of Greene: an act for the relief of William Smith of Madison county; an act for the relief of Robert Gregory; an act to incorporate the town of Clayton in Barbour county; an act to incorporate the trustees of the Bishop's fund in the diocese of Alabama; an act to attach a part of Marion to Fayette county; an act to incorporate the Carthage Academy in the county of Tuscaloosa: an act to authorise the judge of the county court and commissioners of roads and revenue to appoint an additional number of auctioneers in Mobile county: an act to incorporate Auburn academy; an act to revive, repeal in part, and amend an act to incorporate the town of Irwinton in the county of Barbour, approved, January 19th, 1832; an act for the permanent location of the seat of justice for the county of Russell; an act to incorporate the Fire-men's Insurance Company of Mobile; an act to incorporate the city of Montgomery; an act to lay out the county of Macon into company beats and for other purposes; an act to explain an act to increase the pay of jurors in certain counties therein named; an act to incorporate the Talapoosa improvement and navigation company; an act to repeal in part an act therein named, and an act to incorporate

Warrenton, in the county of Dallas, were severally read and ordered to a second reading on Monday next.

The following message was received from the Senate by Mr Childress their assistant secretary. Mr Speaker: The Senate have passed a joint resolution from the House of Representatives, to provide for printing and distributing the system of Militia laws, prepared by generals Crabb and Bradford.

Mr Horton from the select committee to whom was referred the petition of William Smith, reported a bill to be entitled an act for the relief of William Smith, which was read and ordered to a second reading on Monday next.

Mr Owen from the committee on the judiciary, to whom was referred the memorial of A. A. Barclay, Jeremiah Austill, and other citizens of this State, reported a bill to be entitled an act, declaratory of the naturalised citizens of the State of Alabama, to vote in certain instances, without a production of their certificates of naturalization, which was read.

Ordered that the absentees on the call of the House be excused.

Mr Porter moved the indefinite postponement of the bill just read. Mr Payne moved to lay the report and bill on the table, which was carried.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill to be entitled an act to authorise the branch of the bank of the State of Alabama at Mobile to increase its issues to be advanced upon the shipment of cotton: in which the concurrence of the House is asked.

A message from the Senate by Mr Cornor, their Secretary—Mr Speaker: The Senate insist on their amendment to the bill from the House of Representatives, entitled an act for the recovery of the value of staves in certain cases.

Mr M'Clelan from the committee on enrolled bills, reported that they have examined, and find correctly enrolled, bills of the following titles, to wit: An act to suppress mal-practice by factors, carriers and other agents; an act to repeal an act therein named; an act to establish a board of commissioners for the improvement of the Tombeckbee river, and for other purposes; an act to divorce Dory Ann Hall from her husband Henry M. Hall: an act to alter and amend in part an act therein named; an act to amend the charter of the Linden rail road company; an act to divorce Daniel M. Noble from his wife Elizabeth Noble; and, an act to divorce Gracy Tidwell from her Husband, Peter B. Tidwell.

The bill from the Senate authorising the branch of the bank of the State of Alabama at Mobile to increase its issues, to be advanced upon the shipment of cotton, was taken up and read. Mr Erwin moved that it be made the special order of the day for Tuesday next, at 12 o'clock, which was carried.

Engrossed bill entitled an act to provide for the recovery of the value of slaves in certain cases, as amended by the Senate, and on which the Senate insist, was taken up. Ordered that the House adhere to their disagreement to the amendment of the Senate to said bill. Ordered that the clerk acquaint the senate therewith.

The House proceeded to the consideration of the orders of the day, and resumed the consideration of the bill to amend the charters, and for the better government of the bank of the State of Alabama and the several branches thereof. Mr Smith of M's motion to amend by additional sections being under consideration. Mr Smith of M. asked leave to withdraw his proposed amendments which was granted. Mr Martin of B., moved to amend by additional sections. Mr Wilson moved to lay the amendment on the table, which was carried. Mr May moved to strike out in the fifth section where it occurs, the following "to be approved of by the treasurer and comptroller of the State" which was

lost. Mr Williams of T. moved to amend by striking out the 7th section of the bill, and 9th line after the words "general assembly" to the words "and all presidents, directors, &c." in said section of the bill, which was carried. Mr May moved to strike out the word "or" in the 5th line of section two, and insert "and" and in the same line, add after the word "director" the words, "or any two directors" which was lost. Mr Bates offered one amendment to the bill to come in after the word "thereof" in the first section. Mr Williams of H. moved to lay Mr Bates' amendment on the table. Mr Williams of H. moved the previous question, which was sustained. The question was upon ordering the bill to be engrossed for a third reading, which was carried.

The yeas and nays being desired those who voted in the affirmative are, Messrs. Alston Ashurst Beauchamp Bestor Blake Boston Brevard Burt Calhoun Carmack Clifton Cobb Cochran Cook Cottrell Daniel De Jarnett Erwin Gordon Hammond Jones of C. Lee Long May McAlpin Mc. Clanahan of M. McClanahan of S. McCord Morris Oliver Owen Payne Philips Prim Ross Scott of J. Sheffield Shields Simmons of L. Slaughter Smith of D. Smith of M. Tarrant Warren Weissinger Williams of H. Williams of P. Williams of T. and Wormack.

Those who voted in the negative are Messrs. Speaker Aldridge Andress Baker Bates Booker Brashier Cain Coman Cross Davis of M. Finley Gann Godbold Greening High Horton Johnson Jones of B. King Martin of B. Martin of P. McClellan Nelson Perryman Porter Priest Puckett Rogers Scott of M. Simmons of P. Simonton Skinner Stephenson Taylor Tiffin Vining and Wilson.

So the bill was ordered to be engrossed for a third reading on Monday next, The House then adjourned until 3 o'clock, P. M.

Saturday afternoon session, December 16, 1837—The House met pursuant to adjournment.

Mr Shields moved a call of the House, (it being two minutes after 3 o'clock,) which was sustained, when the following members appeared and answered to their names, to wit:

Messrs. Aldridge Andress Baker Bates Bestor Blake Booker Brashier Brevard Burt Cane Carmack Clough Cobb Cochran Coman Cook Cross Davis of B. Davis of M. Finley Gann Godbold Gordon Greening Hammond High Horton Johnson Jones of B. King Long Lucas Martin of P. McAlpin Mc. Clanahan of M. McClanahan of S. McClellan McCord McLenore Morris Nelson Payne Perryman Philips Porter Prim Puckett Rawls Scott of J. Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Stephenson Taylor Vining Weissinger and Williams of P.

There being a quorum of the members present, the House proceeded to business.

The bill to be entitled an act to revise and amend the laws in relation to schools and school land, was taken up from the special orders of the day and read. Mr Booker moved to amend the same with the following, to come in at the end of section 28, to wit:

Section 29. *And be it further enacted*, That it shall be the duty of the judges of the county courts in this State to transmit to the Governor of the State an abstract of the several reports made by the different township clerks to said county courts: said report shall be forwarded by the first week of each annual session of the General Assembly; and upon the failure of any judge aforesaid to make such report or cause the same to be done and forwarded as aforesaid, such judge so failing shall be deemed guilty of a misdemeanor in office.

Sec. 30. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Sec. 31. *And be it further enacted*, That the Secretary of State shall cause to be printed in pamphlet form two thousand copies of this act, and have them distributed in the same manner and proportion that the acts of the General Assembly now are, for the use of the commissioners of the several townships in each county.

Mr Erwin moved to amend the amendment by the striking out "judge" where it occurs and inserting "clerk" in lieu thereof; which was carried. The amendment as amended was then adopted. Mr Oliver moved to amend by proviso to come in at the end of the 17th section, to wit:

And provided further, That whenever any purchaser of any portion of the Sixteenth section shall sell the same, the president and directors of the Bank of the State of Alabama or any Branch aforesaid may, upon receiving satisfactory evidence from the commissioners appointed to sell the same, or from the judge and commissioners of revenue of any county in which said lands may be, to have the power to

ke and renew notes and take additional securities whenever they may deem such change necessary or proper: *Provided always*, that the lands shall always be held liable until final settlement be made for same by the last purchaser;

which was carried. Mr Baker moved to amend with the following, to come in before the word "Proviso," in section 26, viz:

"And when any of the Banks have not made payment in accordance to the provisions of this section, it shall be the duty of said Banks to pay the same to which they were entitled, when final payment were made;"

Which was carried. Mr Booker moved to postpone the further consideration of the bill until Monday next, and that it be made the special order for that day

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill entitled an act to authorize the people of Buzzard Roost beat in the county of Franklin to elect an additional justice of the peace and constable for said beat, to reside in the village of Newport; in which they ask the concurrence of your honorable body. And then he withdrew.

The bill to revise and amend the laws in relation to schools and school lands being under consideration. On motion of Mr May, the constitutional rule requiring bills to be read on three several days was dispensed with, and the bill as engrossed read a third time forthwith and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to authorize the people of Buzzard Roost beat in the county of Franklin to elect an additional justice of the peace and constable for said beat to reside in the village of Newport, was read and ordered to a second reading on Monday next.

The preamble and resolution offered by Mr May, was taken up from the special orders of the day; and on motion of Mr Calhoun was laid on the table for the present.

The report of the select committee on the expediency of annexing a part of West Florida to this State, &c., which had been made the special order for today was taken up and read. Mr Carmack moved to amend by adding at the end of the first resolution reported by the committee the following: "and to obtain a relinquishment of all that part of the State of Alabama lying north of the Tennessee river to the United States." Mr Cottrell moved to lay the amendment on the table, which was carried. Mr Williams of H. moved to amend by inserting Apalachicola rivers after the word Chattahoochee;" which was carried. The memorial and joint resolutions, reported by the committee as amended was then adopted. Ordered, that the same be sent to the Senate for their concurrence.

The bill to provide for the inspection of cotton in the city of Mobile, was taken up from the special orders and read. Mr Erwin moved to amend the same by an additional section to come in at the end of the bill; which was carried. The bill was then ordered to be engrossed for a third reading on Monday next. Mr May moved to adjourn until half after six o'clock, p. m.; which was carried.

And then the House adjourned until half after 6 o'clock, p. m.

Evening Session, December 26th, 1837.—The House met pursuant to adjournment.

Mr Davis of B. moved a call of the House, (it being within 24 minutes of seven o'clock;) which was sustained; when the following members appeared and answered to their names, to wit:

Messrs. Aldridge Baker Bates Booker Brevard Calhoun Cane Clifton Cobb Cook Cottrell Cross Daniel Davis of B. De Jarnett Erwin Finly Gann Godbold High Horton Johnson Jones of B. King Martin of B. Martin of P. May McAlpin McClannahan of S. McClellan McCord Morris Nelson Payne Phillips Porter Priest Prim Puckett Rawls Ross Scott of J. Scott of M. Shields Smith of D. Smith of M. Tarrant Vining Weinsinger Williams of P. Williams of T. and Wilson.

There being a quorum of the members present, the House proceeded to business.

The bill to authorize persons therein named to raise a loan on behalf of the State of Alabama of five millions of dollars was taken from the special orders of the day and read. Mr Smith of M. moved to postpone the further consideration of the bill and amendments until Monday next; and that it be made the special order for half after 11 o'clock on that day; which was carried.

The bill to extend and equalize the advantages of common schools in the State of Alabama was called up from the special orders of the day. Mr Erwin moved to lay it on the table. Mr Scott of M. moved to postpone its further consideration until Tuesday next, and that it be made a special order for that day; which was lost. The question then recurred on Mr Erwin's motion; which was carried; and the bill laid on the table.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills entitled, an act to attach a part of 74th to the 79th regiment of Alabama militia; an act to alter and amend the patrol laws now in force in the county of Jefferson; an act to regulate the drawing and summoning jurors for the county of Talladega; and an act for the compensation of tales jurors in the county of Marengo; were severally read a third time and passed. Ordered, that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

The bill from the Senate entitled an act for the relief of Babb, a man of color, was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bill entitled an act to provide for taking the census of the year 1838; was taken up. Mr Carmack moved to amend the same by an additional section by way of engrossed rider. Mr Aldridge moved to lay the amendment on the table; which was carried. The bill was then read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill entitled an act to incorporate the Dallas rifle men company of volunteers, was read a third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to compensate certain persons for articles furnished troops while in the service of the United States, was read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Engrossed bills entitled, an act for the relief of William Sizemore and others; and an act in relation to taking affidavits and administering oaths; were severally read the third time and passed. Ordered, that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

Engrossed bill being entitled an act to appropriate a certain sum for the completion of the Muscle Shoals canal was taken up. Mr Payne moved to lay the bill on the table; which was lost. Yeas 26, nays 51.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Andrews Baker Beauchamp Daniel Erwin Gann Greening Jones of B. Long Martin of P. McAlpin McCord Payne Perryman Phillips Priest Puckett Rawls Rogers Ross Scott of M. Skinner Stephenson Taylor Warren and Williams of P.

Those who voted in the negative are, Messrs Speaker Aldridge Bates Bestor Blake Booker Boston Bra-shier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of M. De Jarnett, Finley Godbold Hammond High Horton Johnson King Martin of B. May McClellan McClannahan of M. McClannahan of S. Morris Nelson Owen Prim Scott of J. Sheffield Shields Simmons of L. Slaughter Smith of D. Smith of M. Tarrant Vining Weissinger Williams of T. and Wilson.

(Mr Baker in the chair.) Mr McClung moved to amend by inserting in the third line from the last after the word "out," the words "of the nett profits;"

also, in the same line after the word "fund" the words "which have been carried to the sinking fund." The bill with the amendments was then referred to a select committee consisting of Messrs Scott of M. Calhoun and Booker.

Engrossed bills entitled, an act authorizing the judge of the county court of Montgomery county to hold a special term of said court; and an act to incorporate the Light Artillery Borderers; were severally read a third time and passed. Ordered, that their titles be as aforesaid and that they may be sent to the Senate for their concurrence.

The bill entitled an act to incorporate the town of Allenton in the county of Wilcox, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to incorporate the Pike Guards, was read a second time and laid on the table.

Bills entitled, an act regulating the fees of jailors in the several counties in this State; an act to incorporate the Salem Male and Female Academy in the county of Russell; and an act to regulate the sessions of the county courts of Marengo county; were severally read the second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to reduce the tax fees of attorneys and counsellors at law, was read the second time and referred to the committee on the judiciary.

The bill entitled an act to incorporate the Alabama life insurance company, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill from the Senate entitled an act to amend an act, entitled an act to authorize the Sipsy bridge and causeway company to establish a ferry for a limited time, approved, 23d December, 1836, was read the second time and ordered to a third reading on Monday next.

Ordered, that the absentees on the call of the House be excused.

The bill from the Senate entitled an act to alter the boundaries of certain counties therein named and for other purposes was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to attach a part of Pike to Macon was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act for the relief of James Seward of Lawrence county, was read a second time, and the constitutional rule which require that bills shall be read on three several days was dispensed with by the House and the bill was forthwith read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill entitled an act for the relief of John Coleman, was read a second time. Mr Jones of B. moved to postpone its further consideration until Monday next; which was carried.

The bill entitled an act to change and designate the lines between the counties of Marshall and Madison and for other purposes, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill entitled an act for the relief of Elizabeth McQueen, was read the second time. Mr Payne moved to amend the same by an additional section,

which was carried. The bill was then ordered to be engrossed for a third reading on Monday next.

The bill entitled an act for the relief of Bursheba Hugle, was read the second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to provide for the payment of certain claims, was read the second time. Mr McClannahan of S. moved to amend by adding a name where it best suit; which was carried. Mr Scott of M. moved to amend by adding also the name of Justus Wyman; which was carried. The bill was then ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to increase the fees of the sheriff of Baldwin county, was read the second time and ordered to be engrossed for a third reading on Monday next.

The bill entitled an act to correct the impositions of Bank agents, was read a second time and referred to a select committee consisting of Messrs Payne, Calhoun and Booker.

The bill entitled an act to incorporate the Gainesville female academy, was read a second time and ordered to be engrossed for a third reading on Monday next.

Bills entitled, an act to incorporate the Farmer's male and female academy and an act to incorporate the Gainesville male academy; were severally read the second time, and ordered to be engrossed for a third reading on Monday next. Mr Cottrell moved to adjourn until Monday morning at 9 o'clock; which was lost.

The bill entitled an act to incorporate the Bridgeville male and female academy, was read the second time; and the rule requiring bills to be read on three several days being dispensed with, was considered as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

The bill entitled an act for the relief of the legal representatives of George W. Owen, late of Mobile county, deceased, was read the second time. Mr Erwin moved to amend the bill by striking out the words "real estate" where they occur. The bill was then referred to a select committee, consisting of Messrs Owen, Bates and Calhoun.

The bill entitled an act to amend and enlarge an act to incorporate the town of Gainesville in the county of Sumter, was read the second time. Mr Payne moved to amend the enacting clause so as to make it in form; which was carried. Mr Payne moved to amend the second section. The bill was then referred to a select committee consisting of messrs Payne, Calhoun and Erwin.

And then the House adjourned until Monday morning 9 o'clock.

Monday, December 18th—The House met pursuant to adjournment.

Mr Carmack moved a call of the House, (it being 7 minutes after 9 o'clock; which was sustained; when the following members appeared and answered to their names:

Messrs Beauchamp Bestor Blake Boston Brashier Brevard Burt Carmack Coman Davis of M. DeJannett Gordon Jones of C. Long Lucas McClannahan of M. McClellan Nelson Priest Prim Rogers Sen of J. Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Spencer Stephenson Trant Taylor Vining Warren Williams of H. and Williams of P.

There being a quorum, the House proceeded to business.

Mr Puckett from the committee on State printing, to whom was referred bill to compensate certain persons therein named, for work done for the State reported the same back to the House, without amendment; which was read. Ordered, that the report and bill lie on the table.

Mr Payne presented the petition of sundry citizens of Sumter county praying that Joseph T. Sims, a minor therein named, be relieved from the restraint

disabilities imposed by law on minors; which was read and ordered to lie on the table. Mr Payne also presented the petition of Joseph T. Sims, a minor, and the petition of Benjamin Sims, his father, upon the same subject; which were read and ordered to lie on the table.

Mr McClellan presented the petition of sundry citizens of Mardisville in Talbot county, also the petition of sundry citizens of Fayetteville in said county praying the incorporation of said town; which were severally read and laid on the table.

Mr Scott of J. from the committee on ways and means, to whom was referred the petition of sundry citizens of Bibb county praying the establishment of a poor house in said county, reported a bill to be entitled "an act for the support of paupers in the county of Bibb;" which was read and ordered to a second reading on to-morrow.

Mr Scott of J. from the same committee, reported, the committee on ways and means have instructed me to report the appropriation bill for the year one thousand eight hundred and thirty-eight; which is herewith submitted, "a bill to be entitled an act making appropriations for the year one thousand eight hundred and thirty-eight; which was read and ordered to a second reading on to-morrow.

Mr Greening from the committee on accounts, to whom was referred the account of Daniel Partridge, jailor of Montgomery county, reported that they have the same under consideration and have instructed me to report a bill for so much as is apparently charged properly to the State. The committee find about one hundred and three dollars and fifty cents founded mainly upon jail fees for boarding hostile Indians and for coffin and burial expenses, and although the amount appears reasonable, yet they recommend the balance of the accounts to be referred to the committee on Indian expenditures.

The bill reported to be entitled "an act for the relief of Daniel Partridge, jailor of Montgomery county, was read and ordered to a second reading on to-morrow. Ordered, that the other accounts be referred to the select committee on Indian expenditures.

Mr Payne from the committee to whom was referred the bill to be entitled an act to enlarge an act to incorporate the town of Gainesville in the county of Sumter, approved January 10th, 1835, reported the same back without amendment; which was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Smith of M. from the committee on the State bank, reported an exhibit from the Cashier of the branch of the bank of the State of Alabama at Huntsville showing the liabilities of the officers of said bank; which was read and laid on the table. Ordered that five hundred copies of said report be printed.

Mr Smith of M. from the committee on the State bank, reported an exhibit from the Cashier of the branch of the bank of the State of Alabama at Montgomery showing the liabilities of the officers of said bank; which was read and ordered to be laid on the table.

Mr May from the committee on Indian expenditures to whom was referred the report of Maj. Henry Lin, who was appointed a commissioner to receive, examine, audit and settle all claims against the State, growing out of the late Indian hostilities by virtue of an act passed for that purpose, approved September 22d, 1836, reported that they have, according to order, had the same under examination and report that it was made the duty of the commissioner by the law authorizing the appointment, not to receive, examine, audit and settle all of the claims against the State growing out of the late Indian hostilities in this State, and the Seminole hostilities in Florida, but it was also made his duty to report the claims allowed by the Legislature during the annual session of 1836, and to record the same in a bound book for the use of the present General Assembly. The commissioner, in the opinion of the committee, has discharged the duties of his office with fidelity and correctness and with a due regard to the interests of the State, in the adjustment of all claims presented. The commissioner has also as his rule of action, the regulations of, and observed in the army of the United States, and no ac-

count has been allowed by him for articles which is not allowed to soldiers in the military service. The rule might seem to be too rigid, and may be so regarded by the "citizen soldiers," but in the opinion of your committee no other rule could have been adopted with a due regard to economy, though many seemingly meritorious claims have been rejected. The commissioner in the discharge of his duties, has from the time of his appointment to the 16th of November, 1837, when his report was communicated to this House, has allowed claims against the State growing out of Indian hostilities to the amount of \$17,658 53, and since the date of his report he has allowed other claims to the amount of \$22,092 37 for which he drew his warrant as he was authorized to do, and all of which have been paid. The original accounts with the receipts of the claimants, are on file in the office of the commissioner. The commissioner also in the performance of his duty, has recorded in a bound book, all the claims for specie appropriations had been made by the General Assembly at the session of 1836, which he can find. The commissioner states in his report that he has been unable to obtain more than one-half of these claims, that he had searched in vain for them. It is to be regretted that any of the vouchers should be lost, but no possible blame can be attached to the commissioner. The act authorizing the appointment of the commissioner is yet in force, and although the commissioner reports that the claims have not yet been allowed, waiting for proper testimony yet as the same can be allowed by the Legislature, your committee recommend that the act authorizing the appointment of a commissioner to audit and settle all claims on account of said hostilities be repealed, for which purpose your committee herewith report a bill to be entitled an act to repeal an act therein named; which was read and ordered to a second reading on to morrow. Ordered that the report lie on the table.

Mr May presented the petition of G. B. Frierson; which was read and ordered to lie on the table.

Mr Scott of J. from the committee on ways and means reported a bill making an additional appropriation for the year one thousand eight hundred and thirty-eight, to be entitled "an act to increase the revenue fund," which was read and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed it was taken as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

Mr Owen presented the account of Aaron Smith; which was read: Mr Deane moved to lay it on the table, which was carried.

Mr Owen presented the petition of sundry citizens of Washington and Sevier counties in relation to laying off a new county; which was read and ordered to lie on the table.

Mr Erwin from the committee on the judiciary to whom was referred the memorial of the members of the bar of the second judicial circuit praying the establishment of a separate court of chancery therein, reported a bill to be entitled "an act to establish a separate chancery court for the second judicial circuit," which was read and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to a select committee.

Mr Calhoun from the joint examining committee elected by the two Houses to examine into the affairs and condition of the bank of the State of Alabama made a report thereon, which was ordered to lie on the table and that one thousand copies of said report be printed under the superintendence of the committee.

A message from the Senate by Mr Childress their assistant secretary: The Senate have passed bills from the House of Representatives of the following titles, viz: an act allowing the first battalion of the fourteenth regiment of Alabama militia an additional company: an act to establish the division line between the 70th and 78th regiment of Alabama militia and for other purposes, and have amended the same. They have also passed a bill which originated in the Senate of the following title, "an act to change the name of a literary institution," also joint resolution in favor of the establishment of a mission agent at Tuscaloosa. In which they ask the concurrence of the House of Representatives.

The following message was received from his Excellency the Governor: Mr Gooch his private secretary.

Executive Department, December 18th, 1837.

To the Honorable James W. McClung:

SIR: I herewith have the honor to lay before the House of Representatives, the annual report of the Trustees of the University of Alabama.

I have the honor to be, your obedient servant, A. P. BAGBY.

To the Honorable James W. McClung,

Speaker of the House of Representatives.

Engrossed bill entitled an act to establish the dividing line between the 79th and 80th regiments of Alabama militia and for other purposes as amended by the Senate, was taken from the message. Ordered that the House concur in the amendment of the Senate thereto.

The bill from the Senate entitled an act to change the name of a certain literary institution, was read and ordered to a second reading on to morrow.

Joint resolutions from the Senate in favor of the establishment of a pension agency at Tuscaloosa, was read and adopted.

Ordered that the absentees on the call of the House be excused.

Ordered that the report of the Trustees of the University of the State of Alabama as communicated by his Excellency the Governor, be laid on the table and that 200 copies thereof be printed.

Mr Porter from the joint special committee, raised by the two Houses, for the purpose of investigating the affairs and condition of the bank of the State of Alabama, under a joint resolution of the two Houses, made a report thereon, which was ordered to lie on the table and three thousand copies of said report ordered to be printed, under the superintendence of the committee, for the use of the two Houses.

Mr Scott of J. from the select committee to whom was referred the engrossed bill to be entitled "an act to appropriate a certain sum for the completion of the Mnsale Shoals canal," reported it back to the House without amendment and recommended its passage. The bill was then read a third time. Mr Cook moved to lay the bill on the table, which was lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs Andress Ashurst Beauchamp Bestor Brashier Cochran Cook Daniel Erwin Gann Gordon Greening Hammond Jones of B. Long Martin of P. May McAlpin McCord McLemore Oliver Parker Payne Perryman Phillips Priest Purn Puckett Rawls Rogers Ross Scott of M. Simmons of P. Skinner Spencer Stephenson Taylor Warren, Weissinger Williams of H. Williams of P. and Williams of T.

Those who voted in the negative are, messrs Speaker Aldridge Bates Blake Booker Boston Brevard Burt Calhoun Cane Carmack Clifton Cobb Coman Cottrell Cross Davis of M. DeJarnet Finley Godbold High Horton Johnson Jones of C King Lee Martin of B McClannahan of M McClannahan of S McClellan Morris Nelson Owen Scott of J Sheffield Shields Simonton Slaughter Smith of D Smith of M Tarrant Tiffin Toulmin Vining and Wilson.

Mr Payne moved to amend the bill by way of engrossed rider to come in as an additional section, which was lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs Andress Ashurst Baker Beauchamp Bestor Brashier Calhoun Cane Clough Cochran Cottrell Daniel Gann Gordon Hammond Jones of B. Long Martin of P. May McAlpin McCord McLemore Oliver Parker Payne Phillips Rawls Ross Scott of M. Simmons of P. Skinner Spencer Tarrant Taylor Warren Weissinger Williams of P. and Williams of T.

Those who voted in the negative are, messrs Speaker Aldridge Blake Booker Boston Brevard Carmack Coman Cross Davis of M. DeJarnet Erwin Finley Godbold High Horton Johnson Jones of C King Lee Martin of B. McClannahan of M. McClannahan of S. McClellan Morris Nelson Owen Priest Puckett Rogers Scott of J. Sheffield Shields Simmons of L. Simonton Slaughter Smith of D Smith of M. Stephenson Tiffin Toulmin Vining and Wilson.

Mr Erwin moved to recommend the bill to a select committee, with instructions to so amend the bill as to allow the Tennessee canal interest upon the funds belonging to said canal, heretofore deposited in the bank of the State of Alabama and the branch bank at Decatur, instead of the appropriation now proposed to be made by said bill, in accordance with the report of the Tennessee canal commissioners; which was carried.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Address Address
Baker Beauchamp Bestor Brashier Burt Calhoun Cane Clough Cobb Cochran Cook Cottrell Dane
win Gann Gordon Hammond Jones of B. Long Martin of P. May McAlpin McClannahan of S.
Cord Oliver Parker Payne Phillips Porter Prim Puckett Rawls Ross Scott of m. Simonton Ste
Stephenson Tarrant Taylor Warren Weissinger Williams of H. Williams of P. and Williams of T.

Those who voted in the negative, are messrs. Speaker Aldridge Bates Blake Booker Boston Bre
Carmack Clifton Coman Cross Davis of M. DeJarnett Finley Godbold High Horton Johnson Jo
C. King Lee Martin of B. McClannahan of m. McClellan McLemore Morris Nelson Owen
Rogers Scott of J. Sheffield Shields Simmons of L. Simmons of P. Slaughter Smith of D. Smith
Spencer Tiffin Toulmin Vining and Wilson.

Mr Erwin called up the engrossed bill, entitled an act to amend the char
and for the better government of the Bank of the State of Alabama and the
eral branches thereof. Mr Cook moved to fill the first blank in section
with "4000;" which was lost. Mr Calhoun moved to fill it with "35
which was lost. Yeas 32, nays 52.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Bestor Brevan
houn Cane Clough Cook Cottrell Daniel Erwin High Johnson Jones of C. Lee May McAlpin M
Morris Owen Payne Perryman Phillips Prim Rawls Ross Scott of J. Shields Smith of D. Smith
Spencer Toulmin Weissinger and Williams of P.

Those who voted in the negative, are messrs. Speaker Aldridge Baker Bates Beauchamp Blak
ton Brashier Burt Carmack Clifton Cobb Cochran Coman Cross Davis of m. DeJarnett Finley
Godbold Gordon Greening Hammond Horton Jones of B. King Long Martin of P. McClannahan
McClannahan of S. Oliver Parker Porter Priest Puckett Rogers Scott of m. Sheffield Simmons
Simmons of P. Simonton Skinner Slaughter Stephenson Tarrant Taylor Tiffin Vining Warren
iams of H. Williams of T. and Wilson.

Mr Cottrell moved to fill the blank with "3000;" which was carried.
Erwin moved to fill the second blank in section 4th, with "2500;" which
lost. Yeas 25, nays 63.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Address Bre
Calhoun Cane Cook Daniel Erwin Jones of C. Lee McAlpin McCord Morris Owen Payne Perry
Phillips Prim Ross Shields Slaughter Smith of M. Spencer Toulmin Weissinger and Williams of T.

Those who voted in the negative are messrs. Speaker Aldridge Baker Bates Beauchamp Bestor B
Booker Boston Brashier Burt Carmack Clifton Clough Cobb Cochran Coman Cottrell Cross Dav
m. DeJarnett Finley Gann Godbold Gordon Greening Hammond High Horton Johnson Jones of
King Long Martin of B. Martin of P. May McClannahan of M. McClannahan of S. Nelson O
Parker Porter Priest Puckett Rawls Rogers Scott of J. Scott of m. Sheffield Simmons of L. Sme
of P. Simonton Spencer Smith of D. Stephenson Tarrant Taylor Tiffin Vining Warren Williams of
Williams of T. and Wilson.

Mr Erwin then moved to fill it with "2000;" which was lost. Yeas
nays 55.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Bestor Brevan
houn Cane Cobb Cochran Cook Cottrell Daniel DeJarnett Erwin Jones of C. Lee Long McAlpin
Clannahan of S. McCord Morris Owen Payne Perryman Phillips Prim Ross Scott of J. Scott
Shields Slaughter Smith of m. Spencer Tarrant Toulmin Weissinger and Williams of P.

Those who voted in the negative, are messrs. Speaker Aldridge Address Baker Bates Beauch
Blake Booker Boston Brashier Burt Carmack Clifton Clough Coman Cross Davies of m. Finley
Godbold Gordon Greening Hammond High Horton Johnson Jones of B. King Martin of B. Martin
May McClannahan of m. Nelson Oliver Parker Porter Priest Puckett Rawls Rogers Sheffield Simm
of L. Simmons of P. Simonton Skinner Smith of D. Stephenson Taylor Tiffin Vining Williams
Williams of T. and Wilson.

Mr May moved to fill the blank with "1800." The House then adjourned
until 3 o'clock P. M.

Evening Session, December 18.—The House resumed the consideration
the bill to amend the charters, and for the better government of the Bank of the
State of Alabama, and the several branches thereof. The question recurred o
Mr May's motion to fill the second blank in section 4th, with "1800;" whic
was lost. Mr Calhoun moved to fill it with "1500;" which was carried. Ye
42, nays 30.

Those who voted in the affirmative, are messrs. Speaker Ashurst Beauchamp Bestor Boston Bre
Burt Calhoun Cane Carmack Clifton Cobb Cook Cottrell DeJarnett Finley Gordon Hammond Jones
C. Long McCord Morris Oliver Parker Payne Phillips Prim Rawls Ross Scott of J. Sheffield Simm
Lof L. Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin Weissinger Williams of H. W
iams of P. and Williams of T.

Those who voted in the negative, are messrs. Aldridge Andress Baker Blake Booker Brashier Coman Cross Davis of m. Gann High Johnson Jones of B. King McClannahan of m. Nelson Perryman Porter Priest Puckett Rogers Simmons of P. Simonton Skinner Stephenson Taylor Tiffin Vining Warren and Wilson.

Mr Cottrell moved to fill the third blank in the same section, with "2000;" which was lost. Yeas 22, nays 54.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Ashurst Brevard Burt Cane Cook Cottrell Erwin Gordon Jones of C. Martin of B. McAlpin McCord Morris Phillips Scott of J. Smith of m. Spencer Toulmin Weissinger Williams of H. and Williams of P.

Those who voted in the negative, are messrs. Speaker Aldridge Andress Baker Beauchamp Bestor Blake Booker Boston Brashier Calhoun Carmack Clifton Cobb Coman Cross Davis of B. Davis of m. DeJarnett Finley Gann Hammond High Horton Johnson Jones of B. King Long McClannahan of m. Nelson Oliver Parker Perryman Porter Priest Prim Puckett Rawls Rogers Ross Sheffield Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Stephenson Taylor Tiffin Vining Warren Williams of T. and Wilson.

Mr Calhoun moved to fill the blank with "1500;" which was carried. Yeas 31, nays 35.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Ashurst Beauchamp Bestor Boston Brevard Burt Calhoun Cane Carmack Clifton Cook Cottrell DeJarnett Erwin Finley Gordon Greening Hammond Jones of C. Long Martin of B. May McAlpin McClannahan of S. McCord McLemore Morris Oliver Parker Payne Phillips Prim Rawls Ross Scott of J. Sheffield Shields Simmons of L. Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin Vining Warren Weissinger Williams of H. Williams of P. and Williams of T.

Those who voted in the negative, are messrs. Aldridge Andress Baker Bates Blake Booker Brashier Cobb Coman Cross Davis of B. Davis of m. Gann Godbold High Horton Johnson Jones of B. King Martin of P. McClannahan of m. McClellan Nelson Perryman Priest Porter Puckett Rogers Simmons of P. Simonton Skinner Stephenson Taylor Tiffin and Wilson.

Mr Erwin moved to fill the fourth blank in the same section with "1000;" which was carried. Mr Calhoun moved to fill the blank in the 5th section of the bill, with "5000;" which was lost. Yeas 37, nays 52.

The yeas and nays being required, those who voted in the affirmative, are messrs. Speaker Baker Beauchamp Booker Calhoun Cane Carmack Cook Cottrell Davis of B. DeJarnett Erwin Hammond Jones of C. May McClannahan of S. McCord McLemore Oliver Parker Payne Perryman Prim Puckett Rawls Rogers Sheffield Shields Simmons of L. Spencer Toulmin Warren Weissinger Williams of H. and Williams of T.

Those who voted in the negative, are messrs. Aldridge Andress Ashurst Bates Bestor Blake Boston Brashier Brevard Burt Clifton Clough Cobb Cochran Coman Cross Davis of m. Finley Gann Godbold Gordon Greening High Horton Johnson Jones of B. King Long Martin of B. Martin of P. McAlpin McClannahan of m. McClellan Morris Nelson Porter Priest Ross Scott of J. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of m. Stephenson Tarrant Taylor Tiffin Vining and Wilson.

Mr Horton moved to fill it with "one thousand." Mr Erwin moved to fill it with "three thousand." Mr Shields moved to fill it with "four thousand seven hundred and fifty." Mr Calhoun moved the previous question; which was carried. The main question being put, "shall the bill pass;" it was decided in the affirmative.

The yeas and nays being desired, those who voted in the affirmative, are, messrs. Ashurst Bestor Blake Boston Brevard Burt Calhoun Carmack Clifton Cobb Cochran Cook Cottrell Daniel Davis of B. DeJarnett Erwin Gordon Hammond Jones of C. Lee Long May McAlpin McClannahan of S. McCord McLemore Morris Oliver Parker Payne Phillips Prim Ross Scott of J. Sheffield Simmons of L. Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin Warren Weissinger Williams of H. and Williams of T.

Those who voted in the negative, are messrs. Speaker Aldridge Andress Baker Bates Booker Brashier Cane Clough Coman Cross Davis of m. Finley Gann Godbold Greening High Horton Johnson Jones of B. King Martin of B. Martin of P. McClannahan of m. McClellan Nelson Perryman Porter Priest Puckett Rawls Rogers Scott of m. Simmons of P. Simonton Skinner Stephenson Taylor Tiffin Vining and Wilson.

Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill entitled an act to authorize the persons therein named to raise a loan on behalf of the State of Alabama, of five millions of dollars, was called up from the special orders of the day and read. Mr Carmack moved its indefinite postponement. The House then adjourned until 6 o'clock, P. M.

Evening Session, December 18.—Mr Wilson moved a call of the House which was sustained, (it being 7 minutes after 6,) when the following members appeared and answered to their names:

Messrs Aldridge Baker Bestor Booker Boston Brevard Calhoun Cane Cook Cross Davis of B. De of M. DeJarnett Erwin Gann High Jones of B. King Long McClannahan of M. McCord McLennan Payne Phillips Rawls Rogers Ross Simmons of L. Skinner Slaughter Stephenson Vining Weissing Williams of H. and Wilson.

There being a quorum, the House proceeded to business.

Mr Calhoun from the select committee to whom was referred the bill for the relief of the legal representatives of George W. Owen, deceased, late of Mobile county, reported the same back with an amendment; which was concurred in by the House. The bill was then read a second time and ordered to be engrossed for a third reading on to-morrow.

The House then resumed the reconsideration of the bill to authorize the persons therein named to raise a loan on behalf of the State of Alabama, for five millions of dollars. Mr Calhoun moved to postpone its further consideration until to-morrow ten o'clock; which was carried.

The House then proceeded to the consideration of the orders of the day.

Engrossed bills entitled: An act to provide for the inspection of Cotton in the city of Mobile; and, an act to provide for the payment of certain persons therein named; were severally read a third time and passed. Ordered, that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

Engrossed bill entitled an act for the relief of Barbara Hazle, was read the third time. Mr Taylor moved to amend by an additional section, by way of engrossed rider, also, by adding to the caption of the bill, the words "and others;" which was carried. The bill was then passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Engrossed bills entitled, an act to incorporate the Gainesville male Academy; an act to regulate the sessions of the county courts of Marengo county; an act to regulate the fees of jailors in the several counties in this State; an act to incorporate the Alabama lever press and insurance company; an act to incorporate the Gainesville female academy; and, an act to incorporate the Farmers' academy, were severally read the third time and passed. Ordered, that their titles be as aforesaid and that they be sent to the Senate for their concurrence.

Engrossed bill entitled an act for the relief of Elizabeth McQuen, was read the third time and passed. Ordered, that the caption be so altered as to add the name of "Joseph T. Sims" thereto; and that it be sent to the Senate for their concurrence.

Engrossed bills entitled, an act to incorporate the Salem male and female academy in the county of Russell; and, an act to increase the sheriffs fees Baldwin county, were severally read the third time and passed. Ordered, that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

Engrossed bill entitled an act to incorporate the town of Allenton, in the county of Wilcox, was read the third time and passed. Ordered, that the title of the bill be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to amend an act entitled an act to authorize the Sipsey bridge and causeway company, to establish a ferry for a limited time, approved, December 23d, 1836, was read the third time and passed. Ordered, that the Clerk acquaint the Senate therewith.

The bill entitled an act to incorporate the first Presbyterian Church in Gainesville, was read. Mr Calhoun moved to lay the bill on the table; which was carried.

The bill entitled an act to discontinue and establish a certain election precinct, was read and referred to the committee on privileges and elections.

The bill to compensate Percival Hulbert for a slave executed according to law and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill for the relief of Thomas A. Webb, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to allow additional compensation to constables for collecting money on executions in the county of Tuscaloosa, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was taken up as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill for the support of paupers, in the county of Jackson, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill more effectually to provide for discoveries at common law, was read the second time, and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill entitled an act to alter and fix the time of holding the circuit courts of the sixth judicial circuit of this State, was read the second time and referred to a select committee, consisting of messrs Cottrell and Williams of H.

The bill to compensate John Starnes of Marshall county for public services therein named, was read the second time and the rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith and referred to the committee on accounts.

The bill entitled an act to raise a revenue for Baldwin county, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act for the benefit of the University of this State, was read the second time. Mr Erwin moved to amend by inserting the word "nett," before the word "profits," where it occurs; which was carried. Mr Carmack moved to strike out the proviso contained in the bill; which was lost; and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Ordered, that all the absentees on the call of the House, be excused.

The bill entitled an act authorising the administrators of the estate of John S. Gary, deceased, to vest the nett proceeds of said estate in personal property, and for other purposes, was read the second time and referred to a select committee, consisting of Messrs. Erwin McAlpin and Beator, the delegation from Greene county.

The bill entitled an act to establish an additional election precinct in the county of Tallapoosa, was read the second time, and referred to the committee on privileges and elections.

The bill to incorporate the town of Frankln in the county of Macon, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the town of Jefferson in the county of Cherokee, was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill for the relief of Isaac Smith, a free man of color, was read a second time and lost.

The bill to be entitled an act to add a part of the county of Macon to the county of Russell, and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill entitled an act to amend an act to incorporate the Florence and Waterloo rail road company, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to provide for printing in pamphlet form, the reports made on the Bank of the State of Alabama, and the several branches thereof: also the annual reports of the Treasurer and Comptroller of the State, was read the second time and referred to the committee on State printing.

Mr Cottrell from the select committee, to whom was referred the bill proposing the time of holding the circuit court, in the sixth judicial circuit, reported a substitute; which was read and concurred in by the House, and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill entitled an act extending the rights of appeal in certain cases therein named, was read the second time. Mr Erwin moved to amend the bill by striking out "act," in the third line of the first section; which was carried: and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith, and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill for the relief of Justice Wyman and others, was read the second time and laid on the table.

The bill to incorporate the Oak Bowry Academy, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill entitled an act prescribing the counties in which the President and Directors of the Bank of the State of Alabama and the several branches thereof shall reside, and for other purposes, was read the second time, and on motion of Mr Cottrell, its further consideration was postponed until Wednesday next.

The bill entitled an act to alter and amend the charter of the Alabama Life Insurance and Trust company, was read the second time and ordered to lie on the table.

The bill to authorize Nathaniel Barnum and his associates, to turnpike a certain road therein named, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the Trustees of the Maplesville Academy, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to appoint commissioners to contract for and superintend the building a bridge across Flint river, in Madison county, was read the second time and the rule requiring bills to be read on three several days, being dispensed with, the bill was considered as engrossed, read a third time forthwith, and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

The bill from the Senate to incorporate the town of West Wetumpka, and repeal an act entitled an act to incorporate the town of Wetumpka, approved January 8th, 1838, was read the second time. Mr DeLamott moved to amend

the 4th section; which was carried: and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith, and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill entitled an act to revise a certain act therein named, was read the second time. Mr Clifton moved to amend the same as follows: In the fifth line of section first, strike out "Cherokee," and insert in lieu thereof, "St. Clair;" and in the third line of section third, strike out "Cedar Bluff," and in lieu thereof, insert "Ashville," and in the same line and section, strike out "John G. Garrett," and insert in lieu thereof, "Springfield." Mr Calhoun moved to lay the bill and amendment on the table; which was carried.

The bill to incorporate Goodhope male and female Academy, in the county of Russell, was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, it was taken as engrossed, read a third time forthwith, and passed. Ordered, that the title be as aforesaid; and that it be sent to the Senate for their concurrence.

The bill to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to change the time of holding the county court of Barbour county, was read the second time. Mr Erwin moved to amend the same by an additional section; which was carried: and the constitutional rule, which requires bills to be read on three several days, being dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. Ordered that the title be so amended, as read Barbour and Greene, and that the same be sent to the Senate for their concurrence.

The bill to establish a new beat in the county of Dallas, was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith, and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

Mr Erwin called up the bill to extend and equalize the advantages of common schools in the State of Alabama; which was read and referred to a select committee.

Mr McClannahan of S. offered the following resolution: *Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on to-morrow, Tuesday 19th, December, inst. at 7 o'clock P. M. for the purpose of electing three commissioners, in conformity with the law, making an appropriation for the improvement of the navigation of the Coosa river. Mr Morris moved to strike out "Tuesday," and insert "Wednesday;" which was carried. Mr Payne moved to add "and also three commissioners for Tombecbe navigation;" which was carried. The resolution as amended, was then adopted.

Mr Cottrell moved to adjourn until to morrow 9 o'clock which was lost.

Mr Erwin from the committee on the judiciary to whom was referred the memorial of William Chalmer, reported a bill for the relief of William Chalmer of Wilkens county; which was read and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the bill being further dispensed with, the bill was taken as engrossed read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Davis of M. moved to adjourn till to morrow nine o'clock which was lost.

Mr Owen offered the following resolution: "*Resolved*, that with the concurrence of the Senate the two Houses will convene on Tuesday the 19th inst. at 12 o'clock noon, in the Hall of the House for the purpose of electing a judge of the county court of Clarke county, and a judge of the county court of Dallas county; which was adopted.

The House then adjourned till to morrow morning 9 o'clock.

Tuesday, December 19.—Mr Williams of H. moved a call of the House, which was lost.

Mr Rogers presented the petition of sundry citizens of Lawrence county, praying the establishment of a certain election precinct; which was read and laid on the table.

Mr Porter from the committee on privileges and elections to whom was referred the petition of sundry persons praying the establishment of a saw and grist mill on Peckerwood Creek in Tallapoosa county, asked leave to be discharged from that duty, which report was laid on the table, and the petition referred to the committee on propositions and grievances.

Mr Williams of H. from the select committee to whom was referred a bill to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue of Henry county to lay off and divide said county into school districts and for other purposes, reported the same with an amendment in which the house concurred: Mr Williams moved to suspend the constitutional rule requiring bills to be read on three several days for the purpose of giving the bill a third reading forthwith, which was lost. Mr Priest moved to postpone its further consideration until the 1st day of March next, which was lost. The bill was then ordered to be engrossed for a third reading on to morrow.

Mr Morris from the select committee to whom was referred the memorial of the citizens of Wetumpka, praying a portion of the banking capital of this State to be located in said town, reported that it is inexpedient to legislate on the subject at this time, and asked to be discharged from the further consideration of the subject, in which the house concurred.

Mr Morris called up the bill for the payment of certain claims against the State, which was read. Mr Porter moved to amend the same by an additional section, Mr DeJarnett moved to lay it on the table, which was lost. Mr Carmack moved to strike out in the 8th item, allowed to Willis Wood, the words "four hundred and forty-seven" and insert in lieu thereof, "three hundred and twenty-one," and in the 9th item, allowed to Young Goodwin, strike out "two hundred and eighty-five" and insert "one hundred and ninety-three." Mr Calhoun moved to strike out all the 8th item in the bill, which was lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs Aldridge Baker Brasher Calhoun Cobb Cottrell Gann Gordon Hammond Lee McAlpin McClannahan of M. McCallister Moore Oliver Payne Phillips Porter Priest Puckett Ross Scott of J. Scott of M. Sheffield Skinner Smith of M. Tarrant Taylor Tonhain Williams of T. and Wilson.

Those who voted in the negative are, messrs Speaker Andrews Beauchamp Bester Blake Boston Brumfield Burt Carmack Clifton Clough Coman Cook Cross Davis of B. Davis of M. DeJarnett Erwin Fink Godbold Horton Jones of B. Jones of C. King Long Martin of P. May McClannahan of S. McClellan Morris Nelson Parker Prim Simmons of S. Simmons of P. Simonton, Smith of D. Spencer Vining Ware and Weissinger.

The question recurred on Mr Carmack's motion which was carried. Mr Priest moved to amend amendment in the first item as allowed to Allen Gentry, to strike out "one hundred and five" and insert "two hundred and thirty-five," which was adopted. Mr Cottrell moved to amend by adding to the first section after the words "Ten-nessee volunteers" the words "while in the service of the United States," which was carried. Mr Calhoun moved to strike out all of that part appropriate to Allen Gentry in the first section, which was carried.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Aldridge Bates Beauchamp Boston Brashier Brevard Burt Calhoun Cook Cottrell Cross Davis of B Davis of m D Jarnett Erwin Finley Gann Gordon Hammond Lee May McAlpin McClannahan of m McCord Oliver Parker Payne Perryman Phillips Porter Priest Ross Scott of J. Scott of m. Sheffield Shields Skinner Slaughter Smith of m Stephenson Tarrant Toulmin Warren Weissinger Williams of T. and Wilson.

Those who voted in the negative are, messrs Blake Cane Carmack Clifton Clough Godbold Horton Jones of B. Jones of C. King McClannahan of s. McClellan Morris Nelson Owen Prim Puckett Rogers Simmons of P. Smith of D. Spencer Taylor and Vining. Mr Long was excused.

The bill was then read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

A message from the Senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate have passed a bill which originated in the House of Representatives: an act to regulate the compensation of witnesses in civil causes and for other purposes, and have amended the same as herein shewn. They have also passed bills which originated in the Senate of the following titles, viz: an act to authorise and require the bank of the State of Alabama and its several branches to loan a certain sum of money therein named, and to create a fund for the support of common schools within this State. Also, joint resolutions expressive of the sense of the General Assembly of the State of Alabama, upon the policy of divorcing Bank and State, as respects the action of our Federal Government in her fiscal affairs. In which they ask the concurrence of your honorable body.

Ordered that leave of absence be granted to Mr Williams of P. for an indefinite period.

A message from his Excellency the Governor, by Mr Gooch his private secretary:

Executive Department, December 19th, 1837.

To the General Assembly of the State of Alabama—Gentlemen: The office of judge of the county court of Dallas county, has been vacated by the resignation of the honorable George R. Evans. I am very respectfully, your obedient servant,
A. P. BAGBY.

To the honorable James W. McClung, Speaker of the house of Representatives.

A message from the Senate by Mr Connor their secretary.—Mr Speaker: The Senate have passed a bill of the following title: an act more effectually to suppress the evil practice of duelling. In which the concurrence of the house is respectfully asked.

Engrossed bill to be entitled “an act to regulate the compensation of witnesses in civil causes and for other purposes, with the amendment of the Senate, was taken up and read. Ordered that the house concur in the amendment of the Senate.

The bill from the Senate entitled “an act to authorise and require the bank of the State of Alabama and its various branches to loan a certain sum of money therein named, and to create a fund for the support of common schools within the State, was taken up and read. Mr Boston moved to postpone the further consideration of the same until the first Monday in August next, which was carried; yeas 55, nays 30.

The yeas and nays being desired, those who voted in the affirmative are, messrs Aldridge Andress Beauchamp Bestor Blake Boston Brashier Cane Carmack Clifton Cobb Cochran Coman Cross Daniel Davis of B. DeJarnett Erwin Finley Gann Gordon Jones of B. Jones of C. King Long Martin of P. McAlpin McClannahan of m McLemore Parker Perryman Priest Prim Puckett Rawls Ross Rogers Scott of J. Sheffield Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Vining Warren Williams of H. Williams of T. and Wilson.

Those who voted in the negative are, messrs Speaker Alston Baker Bates Booker Brevard Burt Calhoun Clough Cook Cottrell Davis of m. Hammond High Horton Lee May McClannahan of s. McClellan McCord Morris Nelson Oliver Owen Payne Phillips Porter Scott of m. Shields and Weissinger.

Message from the Senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate concur in the resolutions of the House of Representatives to go into the election of a judge of the county court of Clark county, and a judge of the county court for Dallas county: and also to elect three commissioners in conformity with the law making appropriations for the improvement of the navigation of the Coosa river, and have amended the two resolutions, so as to make all the elections to take place on Wednesday 20th inst. at seven o'clock P. M. Mr Shields moved to amend by adding, also to elect commissioners for the improvement of the Tombecbee river; which was carried.

A message from the Senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate concur in the amendment of the House of Representatives to their amendment of the resolution of the House, to go into the election of a judge of the county court of Clark and Dallas counties, &c.

Mr Bester from the committee on enrolled bills, reported that they have examined, and find correctly enrolled, bills of the following titles, viz: an act to attach a part of Macon to Russell county: an act for the relief of Elizabeth Jewell: an act to repeal in part a certain act therein specified: an act to divorce Mary Moniac from her husband Alexander Moniac: an act to make and declare Upshur Creek a public highway: joint resolutions to adopt and to provide for printing and distributing the system of militia laws prepared by General Crabbe and Bradford and for other purposes: an act to divorce Rebecca Beatty from her husband Ezekiel A. Beatty: an act to provide for the sale of lands and slaves at the town of Courtland in certain cases: an act for the relief of Patience Powell.

Mr Calhoun from the select committee to whom was referred the bill to amend an act to establish a separate chancery court for the second judicial circuit, reported a substitute; which was read. Mr Calhoun moved to fill the first blank with "Catawba in the county of Dallas," the second blank with "county of Dallas," and the third blank with the "first Monday in July or January." The bill was then read a second time, and the rule requiring bills to be read on three several days being dispensed with, the bill then considered, engrossed and was read a third time forthwith and passed.

The yeas and nays being desired those who voted in the affirmative, are messrs Speaker Aldridge, Andrew Bates Beauchamp Bester Blake Boston Bart Calhoun Cane Carmack Clifton Cobb Cook Daniel Davis of B. Davis of M. Erwin Finley Gann Greening Jones of B. Jones of C. Leach May McAlpin McClannahan of S. McClellan McCord McLemore Morris Nelson Owen Parker Perryman Phillips Porter Price Puckett Rawls Ross Sheffield Simmons of P. Skinner Slaughter Stephenson Tarrant Toulmin Vining Weissinger Williams of H. and Wilson.

Those who voted in the negative are, messrs Ashurst Cottrell Hammond McClannahan of M. Over Priest Scott of M. Smith of D. and Smith of M.

Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Payne from the select committee to whom was referred the bill to be entitled an act to correct the imposition of Bank agents, reported the same with amendments. Mr Calhoun moved to amend the amendments reported by the committee; which was carried. The amendments as amended was then adopted. The bill was then ordered to be engrossed for a third reading on to-morrow.

And then the House adjourned until three o'clock, P. M.
Afternoon session, December 19th, 1737.—The House met pursuant to adjournment.

Mr Bester from the select committee to whom was referred the bill entitled "an act to extend and equalize the advantages of common schools in the State of Alabama," reported the same with amendments, which was read and concurred in. Mr Smith of M. moved to postpone the bill and amendments until the first day of March next; which was lost. Yeas 28, nays 54.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Ashurst Blake Clifton Cook Cottrell Cobb Davis of B. Erwin Gordon Hammond Horton Jones of B. Jones of C. Lee McAlpin McClannahan of S. McCord McLemore Morris Oliver Perryman Scott of M. Sheffield Simmons of L. Smith of M. Tarrant and Williams of H.

Those who voted in the negative are, Messrs Speaker Aldridge Alston Address Baker Beauchamp Bestor Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clough Cochran Coman Davis of M. De Jarnett Finley Gann Godbold Greening High King Long Martin of B. Martin of P. May McClannahan of M. McClellan Nelson Owen Parker Phillips Porter Priest Puckett Rogers Scott of J. Shields Simmons of P. Skinner Slaughter Smith of D. Stephenson Spencer Taylor Vining Warren Weisinger Williams of T. and Wilson.

Mr Erwin moved to postpone the same until to-morrow at 11 o'clock and that it be made the special order of the day for that time; which was carried.

A message from the Senate by Mr Conner, their secretary—Mr Speaker: The Senate have passed a bill of the following title: "An act to limit the accommodation of the president and directors of the Bank of the State of Alabama and its several Branches; in which they ask your concurrence.

A message from the Senate by Mr Connor their assistant secretary—Mr Speaker: The Senate have passed a joint memorial of the Senate and House of Representatives to the Congress of the United States; in which they ask your concurrence.

Joint memorial and resolutions from the Senate, expressive of the sense of the General Assembly of the State of Alabama upon the policy of divorcing Bank and State, as respects the action of our Federal Government in her fiscal affairs: was read. Mr Calhoun moved to postpone its further consideration until to-morrow at 12 o'clock; which was carried.

A message from his Excellency, the Governor, by Mr Gooch his private secretary—Mr Speaker: His Excellency, the Governor, this day approved and signed bills of the following titles, which originated in the House of Representatives, namely: an act to establish a board of commissioners for the improvement of the navigation of the Coosa river and for other purposes; an act to divorce Mary Weaver from her husband Daniel Weaver; an act to divorce Gincy Tidwell from her husband Peter B. Tidwell; an act to repeal an act therein named: an act to divorce Daniel M. Noble from his wife Elizabeth Noble; an act to suppress mal-practice by factors, carriers and other agents; an act to authorize the formation of limited partnerships; an act to regulate the wages of the doorkeeper and messenger of the House and doorkeeper of the Senate; an act to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette in this State, and for other purposes; an act to compensate the commissioners of roads and revenue in the county of Cherokee; an act to authorize Polite Collins to inherit certain real estate: an act to raise a revenue for the county of Tallapoosa and for other purposes: an act to amend an act for the establishment of schools in the county of Mobile and to provide for the maintenance of the same, passed December 19th, 1836; an act to change the time of holding the circuit courts of the eighth judicial circuit of the State of Alabama; an act to authorize Richard D. Shackelford to erect a toll bridge over the Suckernatchee river; an act authorizing Eliza B. Thompson, guardian of Louisa Carolina Ely, to transfer said guardianship from the orphans' court of Madison county to the orphans' court of Talladega county; an act to regulate certain judicial proceedings; an act to appoint additional surveyors in the counties of Barbour and Dallas; an act to appoint a committee of finance in the counties of Pike and Henry and for other purposes; an act to establish an academy at Franklin in the county of Macon, and to incorporate the same; an act to amend the laws in relation to the collection of taxes on real estate; an act to attach the county of Bibb to the third judicial circuit and for other purposes; an act to incorporate the town of Oakville in the county of Lawrence; an act to establish a company beat in the

county of Autauga, with a less number than forty privates; an act supplemental to an act, entitled act to extend the time of indebtedness to the Bank of the State of Alabama, and its Branches, and for other purposes, passed 30th June, 1837; and also a joint memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the honorable the Senate and House of Representatives of the United States in Congress assembled. And he then withdrew.

The bill from the Senate entitled an act more effectually to suppress the evil practice of duelling, was taken up and read. Mr Carmack moved its indefinite postponement.

The House then adjourned until half after six o'clock, P. M.

Evening Session, December 19th, 1837.—The House met pursuant to adjournment.

Mr Speaker presented the account of the doorkeeper of the House of Representatives; which was read and referred to the committee on accounts.

Mr De Jarnett offered the following resolution, *Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Representative hall, on to-morrow, (Wednesday) at the hour of three o'clock, P. M. for the purpose of electing a president and four directors of the Branch of the Bank of the State of Alabama at Montgomery. Mr Davis of M. moved to lay the resolution on the table; which was carried.

Mr Erwin from the committee on the judiciary, to which was referred a bill to be entitled an act to increase the jurisdiction of the county court of Mobile county, reported said bill back with an amendment; which was read. Mr Erwin moved to amend the same by striking out all after the enacting clause, in order to insert a substitute; which was concurred in; and the substitute adopted; and the constitutional rule requiring bills to be read on three several days, being dispensed with; the bill was taken as engrossed, read a third time forthwith and passed.

Mr May from the select committee on Indian expenditures who were instructed to inquire what amount of money has been paid by virtue of sundry acts, passed at the annual session of 1836, and the extra session of 1837, to the officers and soldiers, citizens of this State, who were engaged in the military service of the United States, in the late campaigns against the Seminole and Creek Indians; as also for expenditures incurred in consequence thereof, reported a joint memorial and bill to be entitled, an act authorizing the Governor of this State to appoint an agent for the purposes therein named; which was read the first time. Mr Cottrell moved to lay the bill on the table; which was carried. The joint memorial to the Congress of the United States, was then read. Mr Calhoun moved to strike out "to do so" where it occurs in the 7th line from the bottom; which was carried. The resolution was then adopted.

Mr May from the committee on State printing, to whom was referred a resolution instructing them to inquire what provision is necessary to be made for the purpose of furnishing the counties of De Kalb, Cherokee, Talladega, Randolph, Benton and Marshall, with all the acts of the General Assembly of this State, reported a bill entitled an act requiring the State printer to print an additional number of Acts and Journals of the General Assembly and to distribute the same in the counties therein named; also, joint resolutions, which was read the first time, the constitutional rule dispensed with the joint resolutions was then read a second time. Mr McClellan moved to add after Talladega, Benton and Randolph, "Coosa, Russell, Chambers, Macon and Tallapoosa." Mr Calhoun moved to recommit the joint resolutions to the same committee; which was carried. The bill was then read and rule requiring bills to be read on three several days, being dispensed with, it was read the second time forthwith; and the rule being further dispensed with, it was taken as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

A message from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills of the following titles, viz: an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river below the town of Tuscaloosa; also, an act to establish a board of commissioners for the improvement of the Black Warrior river and for other purposes; in which they ask the concurrence of your honorable body.

The House resumed the consideration of the bill from the Senate entitled an act more effectually to suppress the evil practice of duelling. Mr Carmack moved indefinitely to postpone the consideration of the same; which was carried. Yeas 41, nays 35

The yeas and nays being desired, those who voted in the affirmative are Messrs Aldridge Andrew Bestor Blake Boston Brashear Calhoun Carmack Clifton Cobb Coman Cross De Jarnett Finley Gann Greening Hammond Jones of B. Jones of C. King Long McClannahan of M. Nelson Parker Perryman Priest Prim Rogers Russ Scott of J. Sheffield Simmons of L. Simmons of R. Skinner, Slaughter Smith of M. Smith of D. Stephenson Taylor Warren and Wilson.

Those who voted in the negative are, Messrs Speaker Baker Bates Beauchamp Booker Brevard Burt Cane Cochran
Cottrell Davis of B. Davis of M. Erwin Gordon Horton May McAlpin McClannahan of S. McLemore Morris,
Owen Payne Phillips Porter Puckett Rawls Scott of M. Shields Tarrant Toulmin Weissinger and Williams of T.

The bill from the Senate entitled an act to limit the accommodation of the president and directors of the Bank of the State of Alabama and its several Branches, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr Williams of T. moved to strike out "ten" where it occurred before "dollar" and insert "five." Mr Erwin moved to refer the bill to a select committee; which was carried. Messrs Erwin, Calhoun, Williams of T. and Porter, were appointed said committee.

Joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States, from the Senate was read. Mr Calhoun moved to refer it to a select committee; which was lost. It was then adopted by the House.

The bill from the Senate entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river below the town of Tuscaloosa, was read and ordered to a second reading on to-morrow.

The bill from the Senate entitled an act to establish a board of commissioners for the improvement of the Black Warrior and for other purposes, was read and ordered to a second reading on to-morrow.

Engrossed bills entitled, an act to compensate Percival Halbert for a slave executed according to law and for other purposes; an act for the relief of Thomas W. Webb; an act for the support of paupers in the county of Jackson; an act to raise a revenue for Madison county; an act to incorporate the town of Franklin in the county of Macon; an act to add a part of the county of Macon to the county of Russell and for other purposes; an act to amend an act to incorporate the Florence and Waterloo rail road company; an act for the relief of the legal representatives of George Owen, late of Mobile county, deceased; an act to incorporate the Oak Bowery academy, and an act to authorize Nathaniel Borman and his associates to turnpike a certain road therein named: were severally read the third time and passed. Ordered, that their titles be as aforesaid and that they be sent to the Senate for their concurrence.

Engrossed bill, entitled an act to incorporate the trustees of the Maplesville academy in the county of Bibb, was read the third time. Mr Davis of B. moved to amend the caption by adding, "in the county of Bibb," which was carried. The bill was then passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bills entitled, an act to incorporate the Goodhope male and female academy in the county of Russell; and an act to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer; were severally read the third time and passed. Ordered, that their titles be as aforesaid, and that they be sent to the Senate for their concurrence.

The bill entitled an act to locate the seat of justice for Marshall county and for other purposes, was read the second time and laid on the table.

The bill entitled an act to incorporate the town of Warren, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr Erwin from the select, to whom was referred a bill to appropriate a certain sum for the completion of the Muscle Shoals canal, reported a substitute; which was concurred in, and the substitute adopted. The bill was then read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Scott of J. moved to adjourn until to-morrow at 9 o'clock; which was lost.

The bill entitled an act to authorize the executors of Lemuel Caldron, deceased, to convey land, was read the second time. Mr Williams of T. moved indefinitely to postpone the further consideration; which was carried.

The bill entitled an act to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama and its several Branches, was read the second time. Mr Calhoun moved to strike out the words "now pending or" in the third line of section 1; which was carried. The bill was then referred to a select committee.

Mr Horton moved to adjourn until to-morrow morning at 9 o'clock; which was lost.

The bill entitled an act to provide for the payment of certain accounts created by the regiment of volunteers in going to and returning from Vernon, was read the second time. Mr Calhoun moved to lay it on the table; which was lost. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Cottrell moved to adjourn till to-morrow at 9 o'clock; which was lost.

The engrossed bill entitled an act to amend and enlarge an act, entitled an act to incorporate the town of Gainesville, in the county of Sumter, approved, January 10th, 1836; which was read a third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Shields moved to adjourn till to-morrow at 9 o'clock; which was carried.

So the House adjourned.

Wednesday, December 20, 1837—The House met pursuant to adjournment

Mr Carmack moved a call of the House, (it being 10 minutes after 9 o'clock;) which was sustained; when the following members appeared and answered to their names, to wit:

Messrs Aldridge Andrew Blake Booker Boston Burt Carmack Cobb Coman Davis of M. Finley Gann Gordon Hammond Jones of C. Jones of B. Long McClannahan of M. McClellan Morris Nelson Parker Rogers Sheffield Simmons of P. Skinner Slaughter Smith of M. Stephenson Tarrant Taylor Vinning Warren Williams of P. and Wilson.

There being a quorum the House proceeded to business.

Mr Greening from the committee on accounts, to whom was referred a bill to compensate John Starnes of Marshall county, reported the same back to the House without amendment: which was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill taken as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Porter from the committee on privileges and elections, to whom was referred a bill to be entitled an act to discontinue and establish certain election precincts, together with other bills on the same titles, and numerous resolutions and petitions, reported that they have considered the same, and ask leave to report a general bill as a substitute, which was read; in which the House concurred. Mr Clough moved to amend the same as follows: "one at the House of Benjamin Baldwin, at the Union Springs, in Macon county," and "one at the town of Auburn in Macon county;" which was carried. Mr Aldridge moved to amend by an additional section; which was carried. Mr Martin of B. moved to amend by an addition section; which was carried. Mr Hammond moved to amend by an additional section; which was carried. Mr McLemore moved to amend by an additional section; which was carried. Mr Lee moved to amend by an additional section; which was carried. Mr Finley moved to amend the 31st section of the bill; which was carried. Mr Puckett moved to amend the 25th section of the bill; which was carried. The amendments were then adopted, and the bill as amended, ordered to be engrossed for a third reading on to-morrow.

Mr Oliver from the committee on inland navigation and internal improvement, to whom was referred the petition of sundry citizens of the county of Dale, praying for an appropriation to clear out the Chatachoochee river in Dale county, reported the same back to the House and asked to be discharged from its further consideration. Mr Warren moved to lay the report on the table; which was carried.

Mr Smith of M. from the committee on the State Bank, reported an exhibit from the case of the Branch of the Bank of the State of Alabama at Mobile, showing the liabilities of the officers of said Bank; which was read. Mr Smith of M. moved to lay the report on the table; that three thousand copies thereof be printed; which was carried. Yeas 57, nays 23.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Aldridge Alston Andrew Blake Boston Brasher Breyard Cane Clifton Cobb Cochran Coman Cottrell Cross Davis of B. Davis of M. De Jarnett Finley Godbold Gordon Hammond High Jones of B. King Lee Long Martin of B. Martin of P. May McAlpin McClellan M. McClellan Morris Payne Perryman Priest Prim Puckett Ross Scott of J. Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of M. Spencer Stephenson Tarrant Taylor Tiffin Toulmin Williams of B. Wilson of T. and Wilson.

Those who voted in the negative are, Messrs Speaker Ashurst Bates Beauchamp Bestor Booker Burt Calhoun Green Clough Cook Erwin Greening Horton McCord Nelson Oliver Phillips Porter Rogers Scott of M. Simonton and M.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: the Senate have passed bills which originated in the House of Representatives of the following titles: an act to incorporate the Gainesville female academy: an act to incorporate the Farmer's academy: an act to incorporate the town of Jefferson in Cherokee county: an act to incorporate the Salem male and female academy in the county of Russell: an act to be entitled an act to incorporate the town of Allenton in the county of Wilcox: an act to be entitled an act to increase the sheriff's fees in Baldwin county: an act for the benefit of the University of this State: an act for the relief of William Chalmers of Pickens county: an act to change the time of holding county court in Barbour and Greene county: an act to establish a new beat in the county of Dallas. They have also passed a bill which originated in the Senate, an act to incorporate the Carrollton male academy in Pickens county; joint memorial of the General Assembly of the State of Alabama to the Congress of the United States in relation to the public domain; in which they ask the concurrence of your honorable body; and an act to incorporate a regiment of cavalry in the county of Benton.

The bill from the Senate entitled an act to incorporate a regiment of cavalry in the county of Benton, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith. Mr McClellan moved to amend by striking out the fifth line in section 2, after the word "lead" to the word "act" in the 7th line and insert "two regimental musters in each and every year as may be ordered by the brigadier-general commanding the the sixteenth brigade: which was carried. Mr Martin of B. moved to amend by striking out the word "Resolved," in the first line of the second section, and insert the word "enacted;" which was carried; and the rule being further dispensed with, the bill was read a third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to incorporate the Carrollton male academy in Pickens county, was read, and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith; and the rule being further dispensed with, the bill was read a third forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Joint memorial of the General Assembly of the State of Alabama to the Congress of the United States in relation to the public domain, from the Senate was read, and adopted.

Mr Oliver from the committee on inland navigation, to whom was referred the petition of sundry citizens of Louderdale county praying for an act to construct a rail road from Henry Smith's old Landing, &c., reported that a bill embracing the objects of said petition has been presented to the House, and asked to be discharged from the further consideration thereof; in which report the House concurred.

Mr Oliver from the same committee, to whom was referred the petition of the president and directors of the Cahawba navigation company, reported a bill to be entitled an act incorporating the Cahawba navigation company; which was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith; and the constitutional rule being still further dispensed with, it was taken as engrossed, read a 3d time forthwith and passed. Ordered, that the title be as aforesaid and that the same be sent to the Senate for their concurrence.

Mr Smith of M. made the following report: The committee to which was referred the petition of James Potter and W. W. Macfarlane against Thomas A. Walker, Esq. solicitor of the ninth judicial circuit, for mal-practice in office, have had the same under consideration, and have been unable to progress with the investigation because of the non-attendance of witnesses who had been duly subpoenaed, and have instructed me to report the same to the House, and recommend that it be postponed until the next session of the Legislature; and that John Lion, Davidson Tate, King H. Welford, William Hammak, Robert M. Hook, Pollandore Naylor, George W. Stone, and John Cunningham, be recognized in the sum of two hundred dollars to appear before the Legislature on the first Monday in December next, then and there to give your testimony against the said Thomas A. Walker, and to abide such order as the Legislature may please to make thereon.

WILLIAM SMITH, Chairman.

Which was read; Mr Martin of B. moved to lay the report on the table; which was lost. The report was then concurred in.

Mr Puckett from the select committee, to whom was referred the bill to change the mode of bringing suits upon bills of exchange by the Bank of the State of Alabama and its several Branches, reported the same with an amendment; in which the House concurred. The bill was then read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was taken as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr May offered the following resolution: *Resolved*, That with the concurrence of the Senate that the joint resolution heretofore adopted proposing that the two Houses of the General Assembly shall adjourn on the 21st instant, be rescinded, and that the two Houses will adjourn *sine die*, on Saturday, the 23d instant. Mr Bates moved to lay the resolution on the table. Mr Williams of H. moved to postpone its further consideration until the first Monday in August next; which was lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs Aldridge Address Baker Blake Calhoun Cane Clifton Clough Cobb Coman Cook DeJarnett Gann Gordon Greening Hammond High Jones of B. King Long McAlpin McCord McLemore Oliver Parker Perryman Phillips Puckett Rogers Scott of J. Sheffield Simmons of P. Skinner Smith of D. Spencer Tiffin Warren Williams of H. and Wilson.

Those who voted in the negative are, messrs Speaker Alston Ashurt Bates Beauchamp Bestor Booker Boston Brashier Brevard Burt Carmack Cottrell Cross Davis of B. Davis of M. Erwin Godbold Jones of C. Lee Martin of B. Martin of P. May McClannahan of M. McClannahan of S. McClellan Morris Nelson Payne Priest Prim Rawls Ross Scott of M. Shields Simmons of L. Simonton Slaughter Smith of M. Stephenson Tarrant Taylor Vining and Williams of T.

Mr Bates moved to postpone its consideration until to-morrow 9 o'clock, A. M. which was carried.

The yeas and nays being desired, those who voted in the affirmative, are messrs Alston Address Ashurt Baker Bates Beauchamp Blake Booker Brashier Brevard Calhoun Carmack Clifton Cochran Cook Cross Davis of B. DeJarnett Erwin Gann Greening High Horton Jones of C. Lee Long McAlpin McClannahan of M. McClannahan of S. McCord McLemore Morris Parker Payne Perryman Priest Prim Puckett Rogers Ross Simmons of L. Simmons of P. Skinner Spencer Stephenson Tarrant Tiffin Toulson Warren and Williams of H.

Those who voted in the negative are, messrs Speaker Aldridge Bestor Boston Burt Cane Cobb Coman Cottrell Davis of M. Godbold Gordon Hammond Jones of B. Martin of B. Martin of P. May McClellan Nelson Oliver Owen Porter Scott of J. Scott of M. Sheffield Shields Simonton Slaughter Smith of D. Smith of M. Taylor Vining Williams of T. and Wilson.

Mr May moved to suspend the orders of the day for the purpose of taking up and reading the reports of the Bank of the State of Alabama and its several branches, shewing the indebtedness or liabilities of the presidents, directors and officers of the several banks aforesaid, as reported by the chairman of the committee on the State Bank; which was lost.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Speaker Alston Address Bates Brevard Cochran Coman Cottrell Cross Davis of B. Davis of M. Erwin Finley Godbold Jones of B. King May McAlpin McClellan Owen Porter Scott of M. Sheffield Shields Smith of M. Toulmin Vining and Wilson.

Those who voted in the negative, are messrs Aldridge Ashurst Baker Beauchamp Bestor Blake Book. er Boston Calhoun Cane Carmack Clifton Cobb Cook DeJarnett Gann Gordon Greening Hammond Horton Jones of C. Lee Long Martin of B. McClannahan of M. McClannahan of S. McCord Nelson Oliver Parker Payne Perryman Phillips Priest Prim Puckett Ross Scott of J. Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Spencer Stephenson Tarrant Taylor Warren and Williams of T.

Mr Erwin from the select committee to whom was referred a bill from the Senate entitled an act to limit the accommodation of the president and directors of the Bank of the State of Alabama and its several branches, reported the same with sundry amendments; in which the House concurred. Mr May moved to amend the bill by the following additional section:

Sec. And be it further enacted, That there shall be elected at the present session of the General Assembly, and every year thereafter by joint vote of the two Houses a president and eight directors for the government and direction of the Bank of the State of Alabama; and a president and eight directors for each of the branches thereof—who shall hold their said offices for the term of one year, and until their successors in office shall be elected and qualified, and the said president and directors so elected, shall have and exercise all the powers and duties, and be subject to all the obligations and responsibilities of the president and directors of the said Bank of the State, and branch banks as now provided by law.

Mr Wilson moved to lay the amendment offered by Mr May on the table; which was carried.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Aldridge Address Ashurst Baker Bates Beauchamp Booker Brashier Brevard Cane Clough Cook Cross Davis of m. DeJarnett Finley Gann Horton Jones of B. Jones of C. King McClellan McCord McLemore Nelson Oliver Perryman Priest Puckett Rogers Scott of J. Scott of m. Simmons of P. Simonton Skinner Stephenson Taylor Tulin Vining Warren Williams of H. and Wilson.

Those who voted in the negative, are messrs. Bestor Blake Boston Burt Calhoun Carmack Clifton Cobb Cochran Coman Cottrell Davis of B. Erwin Gordon Greening Hammond Lee Long Martin of s. May McAlpin McClannahan of m. McClannahan of S. Morris Owen Payne Phillips Porter Prim Ross Sheffield Shields Simmons of L. Slaughter Smith of D. Smith of m. Spencer Tarrant Toulmin and Williams of T.

Mr Williams of T. moved to amend by striking out the word "ten," and insert "five" in lieu thereof. Mr McLemore called the previous question; which was sustained by the House. Yeas 49, nays 39.

The yeas and nays being desired, those who voted in the affirmative, are messrs. Speaker Address Ashurst Baker Beauchamp Booker Brashier Burt Calhoun Cane Carmack Clough Cobb Cochran Cross Davis of B. DeJarnett Godbold Greening Horton Jones of C. King Lee Long Martin of B. McLemore Nelson Parker Payne Perryman Phillips Priest Puckett Rawls Rogers Scott of J. Sheffield Shields Simmons of L. Simmons of P. Skinner Spencer Stephenson Taylor Tiffin Toulmin Vining Warren and Wilson.

Those who voted in the negative, are messrs. Aldridge Alston Bates Beauchamp Bestor Blake Boston Brevard Clifton Coman Cook Cottrell Davis of m. Erwin Finley Gann Gordon Hammond Jones of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord Morris Oliver Owen Porter Prim Ross Scott of m. Simonton Slaughter Smith of D. Smith of m. Tarrant Weissinger and Williams of T.

The main question was on ordering the bill to a third reading; which was carried: and the constitutional rule, requiring bills to be read on three several days, being dispensed with, the bill was read a third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act for the government of turnpike roads: an act to compensate certain persons for articles furnished troops, while in the service of the United States: an act to attach a part of Pike county to Macon: an act for the relief of James Seward of Lawrence county: an act allowing the first battalion of the fourteenth regiment of Alabama militia, an additional company: an act to establish a dividing line between

the 70th and 80th regiments of Alabama militia, and for other purposes: an act to incorporate the town of Blountsville in Blount county.

The House then proceeded to the orders of the day.

The bill entitled an act to authorise the persons therein named, to raise a loan on behalf of the State of Alabama, for five millions of dollars, was taken up from the special orders of the day, Mr Porter's amendment being under consideration. Mr Boston moved to postpone the bill, together with the amendments offered, until the first day of March next. The House then adjourned until 3 o'clock, P. M.

Afternoon Session, Wednesday, December 20.—The House resumed the consideration of the bill from the Senate to authorise the persons therein named, to raise a loan on behalf of the State of Alabama, for five millions of dollars. Mr Boston's motion to postpone the bill and amendments, until the first day of March next, being under consideration; was lost. Yeas 28, nays 46.

The yeas and nays being required, those who voted in the affirmative, are messrs. Aldridge Blake Boston Brashier Cane Carmack Clifton Cobb Conan Cross Davis of m. Finley Gann Hammond Martin of P. McClannahan of m. McClellan Parker Priest Scott of J. Sheffield Simmons of L. Skinner Slaughter Smith of D. Spencer Taylor and Wilson.

Those who voted in the negative, are messrs. Speaker Address Baker Bates Beauchamp Bestor Booker Brevard Burt Calhoun Clough Cook Cottrell Davis of B. DeJarnett Erwin Godbold Gordon Greening High Horton Jones of B. Long Martin of B. McAlpin McClannahan of S. McCord McLemore Morris Nelson Oliver Payne Perryman Phillips Porter Prim Puckett Rawls Ross Scott of m. Shields Stephenson Tolmin Vining Warren and Williams of T.

Mr Calhoun moved to strike out "five," and to insert "three," where it occurs in the line of section first, a division of the question was taken on striking out and carried. Yeas 55, nays 90.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Speaker Aldridge Address Ashurst Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Cane Carmack Clifton Cobb Cochran Conan Cross Davis of B. Davis of M. DeJarnett Erwin Finley Gann Hammond High Horton Jones of C. King Long Martin of B. Martin of P. McAlpin McClannahan of M. McClellan Nelson Oliver Perryman Priest Rogers Scott of J. Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Spencer Tarrant Taylor Tiffin Warren Williams of T. and Wilson.

Those who voted in the negative, are messrs. Bates Burt Clough Cook Cottrell Gordon Greening Jones of B. Lee May McClannahan of S. McCord Morris Owen Payne Phillips Porter Prim Puckett Rawls Ross Scott of m. Sheffield Smonton Smith of M. Stephenson Toulmin Vining Wright Weissinger.

Mr Wright a member elected from the county of Perry, to fill the vacancy occasioned by the death of the honorable Duncan Sullivan, appeared in the Hall of the House, was qualified and took his seat.

A message from the Senate by Mr Connor, their secretary: Mr Speaker—The Senate disagree to the amendment made by the House to their bill, entitled an act to limit the accommodation of the President and Directors of the Bank of the State of Alabama and its several branches.

The bill to authorise the persons therein named, to raise a loan on behalf of the State of Alabama, for five millions of dollars, being under consideration. Mr Porter moved to refer it to a select committee; which was lost. Mr May moved to postpone its further consideration, until the first Monday in August; which was lost.

A message was received from his Excellency, the Governor, by Mr Gooch, his private secretary: Mr Speaker—His Excellency, the Governor, this day approved and signed bills, which originated in the House of Representatives of the titles, following: An act to establish a board of commissioners for the improvement of the navigation of the Tombecbee river, and for other purposes: an act to amend the charter of the Linden rail road company: an act to alter and amend in part an act therein named: an act to divorce Dory Ann Hall from her husband Henry M. Hall: an act to attach a part of Macon to Russell county: an act to divorce Rebecca Beaty from her husband Ezekiel A. Beaty: an act to make and declare Uphaupie creek a public highway, an act to divorce Mary Moniac from her husband Alexander Moniac: an act to repeal in part a certain act therein specified: an act for the relief of Elizabeth Jewell: an act to provide for the sale of lands and slaves at the town of Courtland in certain cases: an act for the relief of Patience Powell: and also joint resolutions to provide for printing and distributing the system of Militia Laws prepared by Generals Crabb and Bradford, and for other purposes.

The bill to authorise the persons therein named, to raise a loan on behalf of the State of Alabama, for five millions of dollars, being yet under consideration: Mr Calhoun's motion to fill the blank with "three," being under consideration. Mr Alston moved to fill it "four." Mr Payne moved to fill it "4,999,000." Mr Erwin moved to lay the bill on the table; which was carried.

The bill from the Senate entitled an act to limit the accommodation of the President and Directors of the Bank of the State of Alabama and its several branches, with the amendments thereto, as made by the House and message in which the Senate, disagree to the amendment by

the House, was taken up. Ordered, that the House insist on their amendment to said bill. Ordered, that the clerk acquaint the Senate therewith.

Message from the Senate by Mr Childress, their assistant secretary—Mr Speaker: The Senate have passed bills of the following titles, viz: An act to authorise the persons therein named to raise a loan on behalf of the State of Alabama, of two millions, five hundred thousand dollars; an act to repeal an act to extend the time of indebtedness to the Bank of the State of Alabama and its several branches, and legalizing the suspension of specie payments of the same, and for other purposes, approved January 30th, 1837: an act to establish a tenth judicial circuit; in which they ask the concurrence of the House.

The bill from the Senate entitled an act to authorize the persons therein named, to raise a loan on behalf of the State of Alabama, of two million five hundred thousand dollars, was read. Mr May moved to postpone its further consideration until the first Monday in August next; which was lost.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Aldridge Blake Boston Carmack Clifton Cobb Cochran Coman Cross Davis of M. Finley Gann Gordon Greening Hammond Jones of C. King Long Martin of P. May McClannahan of M. McClellan McLemore Nelson Priest Rogers Scott of J. Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of N. Spencer Wright Tarrant Taylor Tiffin Williams of T. and Wilson.

Those who voted in the negative are messrs Speaker Alston Andress Ashurst Baker Bates Beauchamp Bestor Booker Brashier Brevard Burt Calhoun Cane Clough Cook Cottrell Davis of B. Delarrett Erwin Godbold High Horton Jones of B. Lee Martin of B. McAlpin McClannahan of S. McCas Morris Oliver Owen Parker Payne Perryman Phillips Prim Puckett Rawls Ross Scott of M. Shields Semontou Stephenson Toulmin Vining Warren and Weissinger.

The constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Erwin moved to amend by inserting after the word "Europe" where it occurs in the fifth line of section two, the words "the proceeds of which when sold shall be deposited in the said Bank and branches, in gold and silver, in the following proportions, to wit:" which was carried. Mr May offered the following amendment, viz: Strike out the words "and to be used by them respectively, as may best comport with their interest," in the second line from the bottom of section two, and insert in lieu thereof, "to be applied to the redemption of the bills, which have been issued by the Bank of the State of Alabama and its branches. Mr Cottrell moved to lay the amendment offered by Mr May, on the table; which was carried. The subject was then suspended for the present.

Message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate insist on their disagreement to the amendment of the House of Representatives, to the bill to be entitled an act to limit the accommodation of the president and directors of the Bank of the State of Alabama and its branches, and respectfully ask a committee of conference.

Whereupon, messrs Erwin, Calhoun and Shields, were appointed a committee of conference on the part of the House of Representatives, to confer with such committee as may be appointed on the part of the Senate, on the subject of their disagreement to the amendment of the House to said bill as asked in their message. Ordered, that the clerk acquaint the Senate therewith.

Mr Toulmin offered the following resolution, *Resolved*, that with the concurrence of the Senate, the two Houses of the General Assembly, will convene in the Representative Hall, at the hour of 4 o'clock p. m. on Thursday the 21st December, instant, for the purpose of electing a president and fourteen directors for the Branch of the Bank of the State of Alabama at Mobile.

Message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate have passed a bill from the House of Representatives entitled an act for the inspection of Cotton in the city of Mobile and have amended the same as therein shewn.

The House then adjourned until half after 6 o'clock p. m.

Evening Session, December 20.—Mr Toulmin's resolution proposing to go into the election of a president and fourteen directors of the Branch of the Bank

of the State of Alabama at Mobile, being under consideration. Mr Davis of M. moved to lay the resolution on the table; which was carried.

The House resumed the consideration of the bill from the Senate entitled an act to authorize the persons therein named to raise a loan on behalf of the State of Alabama, for two million five hundred thousand dollars. Mr Phillips moved to amend by inserting in the 7th line, after the word "dollars," the following, "the amount expressed in sterling money; which was carried. And the rule requiring bills to be read on three several days, being dispensed with, the bill as amended, was then read a second and third time forthwith and passed. Yeas 42, Nays 29.

The yeas and nays being desired, those who voted in the affirmative are, messrs. Speaker Address naker Bates Bestor Booker Brevard Burt Calhoun Cane Cochran Cook Cottrell Davis of B. DeJarnett Erwin, Godbold High Jones of B. Martin of B. Martin of P. McAlpin McClannahan of S. McClellan McCord Morris Nelson Owen Parker Payne Perryman Phillips Priest Prim Puckett Rawls Rogers Ross Simmons of P. Simonton Stephenson Touhmin and Weissinger.

Those who voted in the negative are, messrs. Aldridge Burke Boston Brazier Carmack Clifton Cobb Coman Cross Davis of W. Finley Gann Greening Hammond King Long May McClannahan of W. McLe-more Porter Sheffield Simmons of L. Skinner Slaughter Smith of D. Smith of M. Tarrant Taylor Williams of T. and Wilson.

Ordered that the clerk acquaint the Senate therewith.

Mr McClellan offered the following resolution: *Resolved*, that the Senate be now invited to assemble in the Representative Hall, for the purpose of electing a judge of the county court of Dallas county; a board of commissioners for the improvement of the navigation of the Coosa river, and a board of commissioners for the improvement of the navigation of the Tombcbee river; which was adopted.

Message from the Senate by Mr Connor their secretary.—Mr Speaker: The Senate have appointed as a committee of conference on their part, messrs Crabb, Burke and Hudson, on the amendment of the House of Representatives to the bill from the Senate entitled, "an act to limit the accommodation of the President and Directors of the bank of the State of Alabama and its branches."

The Senate then assembled in the Hall of the House of Representatives and took their seats. The two Houses then proceeded to the election of a judge of the county court for Clarke county, William F. Jones and Josiah Jones being in nomination.

Those who voted for William F. Jones are, messrs. Goynes Hudson and Watrous of the Senate, messrs. Speaker Aldridge Address Baker Bates Booker Braxler Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Davis of B. Davis of M. DeJarnett Erwin Gann Godbold High Horton Long Martin of B. Martin of P. May McAlpin McClannahan of M. McClellan McLemore Nelson Oliver Owen Parker Payne Phillips Porter Priest Puckett Rogers Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of M. Stephenson Tarrant Taylor Touhmin Weissinger and Williams of T. 58 votes.

Those who voted for Josiah Jones are, messrs. President Burke Devereaux Elnore Farrar Frazier Henderson Lea Moore Musgrove Posey Raines Rather Riddle Roberts Simmons Smith Spann Terry Wallace and Wellborn of the Senate, messrs. Bestor Blake Boston Coman Cook Cottrell Corss Finley Gordon Greening Hammond Jones of B. Jones of C. King McClannahan of S. Morris Perryman Prim Ross Vining Warren and Wilson. 43 votes.

Mr William F. Jones having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court for Clarke county.

The two Houses then proceeded to the election of a judge of the county court for Dallas county, William Byrd alone being in nomination. Mr William Byrd having received all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court for Dallas county.

The two Houses then proceeded to the election of a board of commissioners (consisting of three members) for the improvement of the navigation of the Coosa river, messrs Alexander Bowie, Thomas H. Brashier, Henry Looney, and D. H. Bingham being in nomination.

Those who voted for Mr Bowie are, messrs President Burke Crabb Devereaux Elmore Farrar Foy Goyne Henderson Moore Musgrove Posey Rather Roberts Simmons Smith Spann Terry Wallace Troun and Wellborn of the Senate; messrs. Speaker Aldridge Address Baker Bates Blake Booker Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross D of B. Davis of m. Erwin Finley Gann Godbold Gordon Greening Hammond May McAlpin McClanahan of M. McClannahan of s. McClellan McLemore Morris Nelson Oliver Owen Parker Payne Phillips Priest Prim Rawls Rogers Ross Shields Simmons of I. Simmons of p. Simonton Skinner Slater Smith of D Smith of m Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams and Wright, of the House of Representatives—94.

Those who voted for Mr Brashier are, messrs President Burke Crabb Devereaux Elmore Farrar G. Henderson Hudson Lee Moore Musgrove Posey Rains Rather Riddle Simmons Smith Spann T. Wallace and Watrous of the Senate. messrs Speaker Aldridge Andress Baker Bates Bestor Blake B. Boston Brashier Butt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Crossley of B. Davis of M. Erwin Finley Gann Godbold Gordon Greening Hammond High Horton Jones R. King Long Martin of B. Martin of P. May McAlpin McClannahan of M. McClannahan of S. McClennore Morris Nelson Oliver Owen Parker Payne Phillips Priest Prim Puckett Rawls Rogers R. Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D Smith of Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T Wilson and W. Mack, of the House of Representatives—98.

Those who voted for Mr Bingham are, messrs Crabb Devereaux Frazier Hudson Lee Rains Roberts Simmons Wallace and Wellborn of the Senate. messrs Andress Bestor Brevard Burt Godhold King May Mc Alpin Oliver Owen Puckett Sheffield Simonton Stephenson Williams and Mack, of the House of Representatives—28.

Those who voted for Mr. Looney are, messrs President Burke Elmore Farrar Frazier Goyne Hudson Hudson Lee Moore Musgrove Posey Rains Rather Riddle Roberts Smith Spann Terry Watrous Wellborne, of the Senate. messrs Speaker Aldridge Baker Bates Bester Blake Booker Boston Brevard Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cross Davis of B. Davis of m. E. Finley Gann Gordon Greening Hammond High Horton Jones of B King Long Martin of B Mc- of P. McClannahan of m McClannahan of s McClellan McLemore Morris Nelson Parker Payne P. Priest Prim Puckett Rawls Rogers Ross Sheffield Shields Simmons of L Simmons of P Skinner Slater Smith of D Smith of m Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of and Wilson, of the House of Representatives—86.

Messrs Alexander Bowie, Thomas H. Brashier, and Henry Looney have received a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected a board of commissioners for the improvement of the navigation of the Coosa river.

The two houses then proceeded to elect a board of commissioners (consisting of three members) for the improvement of the navigation of the Tombeckbee river, messrs Reuben Chamberlain, Joseph B. Earle, and Wm. M. Hewitt being nomination.

Those who voted for Mr Hewitt, are, messrs President Arnold Devereaux Elmore Farrar Far
Goyne Hudson Lee Moore Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Terry W
trous and Wellborn of the Senate. messrs Speaker Aldridge Address Baker Bates Bestor Blake
ker Boston Brashier Brevard Burt Calhoun Cane Carnack Clifton Cobb Cochran Coman Cook Cr
Davis of B. Davis of M. DeJarnett Erwin Finley Gann Godbold Greening Hammond High Horton M
tin of R. Martin of P. May M. Alpin McClanahan of M. McClannahan of S. McClellan Morris Oliver O
Parker Payne Phillips Priest Puckett Rawls Rogers Sheffield Simmons of L. Skinner Smith
D Smith of M. Stephenson Tarrant Taylor Tiffin Vining Warren Williams of T. Wilson and Wright
For Mr Earle the same vote as for Mr Hewitt.

For Mr Earle the same vote as for Mr Hewitt, and for Mr Chamberlain the same. Messrs Beuben Chamberlain, Joseph B. Earle and William W. Hewitt having received all the votes given, Mr Speaker declared them duly and constitutionally elected members composing the board of commissioners for the improvement of the navigation of the Tombeckbee river. Having gone through the elections, the Senate then withdrew.

Mr May from the committee on State printing to whom was referred a resolution instructing them to inquire what provision was necessary to be made, for the purpose of furnishing the counties of De Kalb, Cherokee, Talladega, Randolph, Benton and Marshall, with all the acts of the General Assembly of this State, with which said counties have not been furnished, have according to order, had the same under consideration, and report that they are of opinion that no provision has been made to furnish the counties of Marshall, DeKalb and

Cherokee with the acts of the General Assembly, but the provisions contemplated by the resolution, cannot now be conveniently made to the full extent required. Your committee are of opinion that provisions have heretofore been made for the counties of Talladega, Benton and Kandolph, but to supply the deficiency to DeKalb, Marshall and Cherokee, your committee herewith report a bill and joint resolutions, and recommend that the same be adopted, in which report the house concurred. Mr Martin moved to fill the blank in the resolution with "one hundred and sixteen," also the following to come in after the word "Chambers," "and that they be distributed in the following manner, to wit: in each county mentioned in this resolution ten copies each, except the county of Cherokee, and to that county sixteen," which was carried and the substitute adopted, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was taken as engrossed, read the third time forthwith, and passed. Ordered, that the same be sent to the Senate for their concurrence.

Mr Calhoun offered the following resolution: *Resolved*, that with the concurrence of the Senate, the two houses will assemble in the hall of the house of Representatives on the 21st December inst., at 3 o'clock p. m., to elect a President and fourteen Directors for the branch of the bank of the State of Alabama at Mobile: a President and like number of Directors for the branch bank at Montgomery, which was adopted. Ordered, that the clerk acquaint the Senate there-with.

Mr Erwin from the committee appointed on the part of the house to confer with the committee on the part of the Senate, appointed upon the disagreement of the Senate to the amendment of the house of Representatives, to an engrossed bill from the Senate, to be entitled, "an act to limit the accommodations of the President and Directors of the bank of the State of Alabama and its several branches," have performed the duty assigned them, and beg leave to report, that the committee of the Senate and of the house, have agreed to the following amendment of the amendment made by the house to said bill, in which they respectfully ask the concurrence of the house. 1st. Strike out in the second line of said amendment, all after the word to, where it occurs to the word *then* in the fourth line, and insert "appointed in the month of January next, and annually thereafter by the Governor." Mr Erwin moved to lay the report on the table, which was carried.

The bill from the Senate entitled an act to repeal an act to extend the time of indebtedness to the Bank of the State of Alabama and its several branches, and legalize the suspension of specie payments of the same, and for other purposes, approved, June 30th, 1837, was read and the rule requiring bills to be read on three several days, being dispensed with, it was read the second time forthwith. Mr Porter moved to amend the same as follows, in the fourth line of section one, before the word "repealed," insert "in part" and in the first line in section two, before the word "the" and after the word "that" insert the words "one half of," and in the 7th line before the words "said bonds" insert the words "the 'half of.'"

Message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate concur in the amendment made by the committee of conference appointed by the two Houses, upon the amendment of the House, to the bill entitled an act to limit the accommodations of the president and directors of the Bank of the State of Alabama and its Branches, and that the Senate concur in the amendment thus amended by the committee.

The House then adjourned until to-morrow morning 9 o'clock.

Thursday, December 21, 1837.—Mr Greening from the committee on se-

accounts to whom was referred the account of William Smith sheriff of Washington county, reported the same back to the House, as being properly a county charge; and asked to be discharged from the further consideration of the same in which report the House concurred.

Mr Greening from the same committee to whom was referred the accounts of Charles S. Patterson, J. Lacy & Co., D. Woodruff, Cummins, Pither & Co., Merriyman Pounds, John Tatum, A. Lynch, Battle & Miller, Jesse Hallman and James Hogan: reported a bill to be entitled an act making appropriation for the payment of claims against the State; which was read, and the rule requiring bills to be read on three several days, being dispensed with, the bill was read a second time forthwith. Mr Greening moved to amend the bill by inserting sundry additional sections; which was carried. Mr Carmack moved to amend by adding at the end of section 5; which was carried. Mr Greening moved to amend by adding at the end of section 2; which was carried. Mr Toulmin offered an amendment. The bill was then referred to a select committee consisting of Messrs Greening, Slaughter, Cobb, Davis and Ross.

Mr Carmack moved to take from the orders of the day, the bill to be entitled an act to authorize the Tennessee canal commissioners to settle with John R. and S. S. Henry, according to the principles of equity and justice; which motion was decided to be out of order. Mr Carmack then moved to dispense with the rules of the House, and all orders which conflicted with the motion previously submitted, which motion was also decided by the chair to be out of order, from which decision, Mr Carmack appealed to the House, when the decision of the chair was sustained.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Aldridge Andress Baker Bates Beauchamp Blake Booker Bestor Brevard Burt Calhoun Cane Clifton Coman Cook Cross J. Davis of M. Finley Gann Greening Hammond Jones of B. King Martin of B. Martin of P. McLemore Morris Nelson Parker Perryman Phillips Porter Priest Prim Rogers Ross Scott of J. Simmons of P. Slaughter Smith of D. Smith of M. Stephenson Tarrant Tiffin Toulmin Weissinger and Wilson.

Those who voted in the negative are, messrs Ashurst Carmack Clough Cobb Erwin Gordon Jones of C. Long May McClannahan of M. McClannahan of S. McCord Oliver Puckett Sheffield Simmons of L. Vining and Williams of H.

Ordered, that the select committee on accounts have leave to sit during the time the House may be in session.

The bill from the Senate entitled an act to limit the accommodations of the president and directors of the Bank of the State of Alabama and its several branches, with the amendments made thereto by the joint committee of conference appointed by the two Houses, was taken up and read, and the amendments concurred in.

The House then proceeded to the consideration of the orders of the day.

The bill from the Senate entitled an act to repeal an act to extend the time of indebtedness to the Bank of the State of Alabama and its several branches, and to legalize the suspension of specie payments of the same, and for other purposes, approved, June 30th, 1837, was taken up. Mr Porter's amendment being under consideration. Mr Nelson moved to lay the amendment offered by Mr Porter on the table; which was lost.

The yeas and nays being desired, those who voted in the affirmative are, messrs Martin of B. McCord Scott of M. Shields Smith of M. Warren Weissinger and Williams of T.

Those who voted in the negative are, messrs Speaker Aldridge Andress Ashurst Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Cochran Coman Cook Cross J. Davis of M. Erwin Finley Gann Godbold Hammond High Johnson Jones of B. Jones of C. Lee Long Lucas Martin of P. May McAlpin McClannahan of M. McClannahan of S. McClellan Morris Nelson Oliver Owen Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Ross Scott of L. Sheffield Simmons of L. Simmons of P. Skinner Smith of D. Spencer Stephenson Tarrant Taylor Tiffin Toulmin Vining Williams of H. Wilson and Wright.

The question then recurred on concurring in the amendments offered by Mr Porter; which was carried.

A message from the Senate by Mr Connor their secretary—*Mr Speaker*: The Senate concur in the amendment made by the House of Representatives to the bill authorizing certain persons therein named, to raise a loan of two million five hundred thousand dollars, on behalf of the State of Alabama.

A message from the Senate by Mr Childress their assistant secretary—*Mr Speaker*: The Senate have passed bills which originated in the *House of Representatives*, of the following titles: An act to explain and amend the law in relation to attachments, and have amended the same as therein shewn: an act to alter and amend judicial proceedings in certain cases therein mentioned, and have amended the same as therein shewn: an act more effectually to provide for discoveries in suits at common law: an act to revise and amend the laws in relation to schools and school lands: an act for the relief of George W. Fisher, guardian of Lewis Griffith, and have amended the same as therein shewn: an act the better to regulate the taxing of pedlers and shows, and have amended the same as therein shewn: an act to allow additional compensation to constables for collecting money on executions in the county of Tuscaloosa: an act to incorporate the Monroe company of volunteer riflemen, in the county of Monroe: an act to amend and enlarge an act entitled an act to incorporate the town of Gainesville, in the county of Sumter, approved, January 10, 1835: joint resolutions of the Senate and House of Representatives, on annexing East Florida to the State of Alabama.

Message from the Senate by Mr Connor their secretary—*Mr Speaker*: The Senate have passed a bill entitled an act to authorize certain persons therein named to open a turnpike road; in which they ask the concurrence of the House of Representatives.

A message from the Senate by Mr Childress their assistant secretary—*Mr Speaker*: The Senate have passed bills of the following titles, viz: an act to incorporate the Wetumpka steam boat company: an act to incorporate for a limited time, the Sipsey river navigation company: an act to compensate certain persons therein named: an act to amend the laws in relation to insolvent debtors: an act to prevent riotous and disorderly conduct, at or near literary institutions: an act to authorize the Bank of the State of Alabama, to discount accommodation paper, payable in six, nine or twelve months: an act to amend the law in relation to sheriffs and borrowers: an act to amend the charter of the Bank of the State of Alabama, and for other purposes: an act to discontinue and establish certain election precincts therein named: an act to locate the seat of justice of the county of Marshall, and for other purposes: joint resolution to keep and preserve the furniture of the Senate chamber: an act to revive an act entitled an act to incorporate the town of Clinton, in the county of Greene, approved, January 9, 1836: an act to amend the laws now in force in relation to bail in criminal cases: an act to change the term of holding the courts of commissioners of revenue and roads, for the county of Lawrence, and for other purposes: an act to change the time of holding the spring term of the circuit courts in certain counties in the fifth circuit: an act to regulate the writ of *scire facias*, returnable to the orphans court: an act to provide for the preservation of the books of the State: an act to authorize the holding of a special term of the county court for the county of Montgomery: an act to incorporate the town of Bell Rose in the county of Baldwin: an act to incorporate the towns of Madisonville and Fayetteville, in the county of Talladega: an act for the relief of certain persons therein named: an act to establish a board of commissioners for the improvement of the navigation of the Little Bigby below the Mississippi State line: an act to incorporate the town of Aberfoil, in the county of Macon: an act to establish a board of com-

missioners for the improvement of the navigation of the Cahawba river, below the town of Centreville: and, an act to establish a medical board at the town of Irwinton, in the county of Barbour; in which the concurrence of your honorable body is asked.

A message from the Senate by Mr Connor, their Secretary—Mr Speaker: The Senate have passed a bill of the following title: An act for the relief of certain persons therein named; in which they ask the concurrence of the House of Representatives.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill to be entitled “an act to establish a bank at Irwinton in the county of Barbour;” in which they ask the concurrence of your honorable body.

The bill from the Senate to repeal an act to extend the time of indebtedness to the Bank of the State of Alabama and its several branches, and legalize the suspension of specie payments of the same and for other purposes, approved, June 30th, 1837, being under consideration, Mr May moved to amend by proviso to come in at the end of the bill: which was carried. Mr Erwin moved to suspend the rule requiring bills to be read on three several days, for the purpose of having the bill read a third time forthwith; which was lost. Mr Weissinger moved indefinitely to postpone the further consideration of the bill; which was lost. The bill was then made a special order for a third reading on to-morrow.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed “joint memorial to the Congress of the United States” which originated in the House of Representatives. They have passed bills which originated in the Senate, viz: An act to increase the compensation of jurors in the counties of Montgomery and Lowndes: an act to provide for the payment of Captain Joseph Cook’s company: an act making appropriations for the payment of the members and officers of the present General Assembly: an act to incorporate the insurance and trust company in the town of Wetumpka.

Message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate concur in the resolutions from the House of Representatives proposing to elect a president and directors of the Branch Bank of the State at Mobile and Montgomery, on Thursday 21st instant, at 3 o’clock P. M.

The bill from the Senate to create a tenth judicial circuit, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to a select committee, consisting of messrs Shields, Bates, Calhoun and Toulmin.

Engrossed bill to provide for the inspection of cotton in the city of Mobile, with the amendment of the Senate thereto, was taken up. Ordered, that the House concur in the first amendment made by the Senate to the bill. Ordered, that the House disagree to the other amendments by the Senate, proposing to strike out the 5th section of the bill, as also their amendment to the 8th section. Ordered, that the clerk acquaint the Senate therewith.

Message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, by the Senate that with the concurrence of the House of Representatives, the resolution which passed the two Houses, resolving that the General Assembly would adjourn *sine die*, on Thursday (this day,) the 21st December, instant, be, and the same is hereby recinded, and that the two Houses will adjourn *sine die*, on Saturday, the 23d December, instant; in which they ask the the concurrence of the House of Representatives.

Message from the Senate by Mr Childress their assistant secretary—Mr Speak-

er: The Senate have passed a bill from the House of Representatives of the following title: An act to provide for the payment of certain persons therein named, and have amended the same as therein shewn: engrossed bill the better to regulate the taxing of pedlers and shows, with the amendments of the Senate thereto, was taken up and the amendments read. Ordered, that the House concur in the first amendment of the Senate to the bill, and that they disagree to the second amendment proposed by the Senate. Ordered, that the clerk acquaint the Senate therewith.

Mr McClellan from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit: An act to alter the boundaries of certain counties therein named, and for other purposes: an act to amend an act entitled an act to authorise the Sipsey bridge and causeway company, to establish a ferry for a limited time, approved, December 23d; 1836: an act to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road: and an act to increase the pay of jurors in certain counties therein named.

Engrossed bill entitled an act for the relief of George W. Fisher, guardian of Lewis Griffith, with the amendments of the Senate thereto, was taken up and the amendments read. Ordered, that the House concur in the amendments thereto.

Engrossed bill entitled an act to explain and amend the law in relation to attachments, with the amendments of the Senate thereto, was taken up and the amendments read. Ordered, that the House concur in the 4th, 5th and 6th amendments of the Senate to the bill and that they disagree to all the other amendments thereto proposed by the Senate. Ordered, that the clerk acquaint the Senate therewith.

Mr Greening from the committee on accounts, to whom was referred the bill entitled an act making appropriations for the payment of claims against the State, reported the same back with an amendment, in which the House concurred. The bill was then read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Engrossed bill to alter and amend the laws in relation to judicial proceedings in certain cases therein mentioned, as amended by the Senate, was taken up and the amendments read. Ordered, that the House disagree to the first amendment proposed by the Senate. Ordered, that the House disagree to the second amendment proposed by the Senate. Ordered, that the House concur in the third amendment proposed by the Senate. Ordered, that the House concur in the fourth amendment made by the Senate to said bill. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to authorise certain persons therein named, to open and turnpike a road, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with, it was read the second time forthwith. Mr Blake moved to lay it on the table; which did not carry. The bill was then ordered to a third reading on to-morrow.

A message from the Senate by Mr Connor, their secretary—Mr Speaker: The Senate adhere to their amendment to the bill from the House of Representatives, entitled an act to provide for the recovery of the value of slaves in certain cases.

The bill from the Senate to prevent riotous and disorderly conduct at or near literary institutions, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with, it was read the second time forthwith; and on motion of Mr Cottrell, it was laid on the table.

The House took up the resolutions of the Senate, proposing to rescind a former resolution, which had been adopted by the two Houses, in relation to an adjournment, *sine die*. Mr Carmack moved to strike out "23d inst." where it occurred in the resolution. Mr Calhoun moved the previous question; which motion was sustained by the House. The question was then taken on concurring in the resolution of the Senate, and carried. Yers 52, nays 25.

The yeas and nays being desired, those who voted in the affirmative, are, messrs. Speaker Aldridge, Address Ashurst Baker Bates Beauchamp Bestor Booker Brevard Burt Cane Carney Cross Cottrell D. J. Jamett Erwin Finley Godbold Greening Johnson Jones of C. King Lee Martin of P. May McClannahan of S. McClellan McLemore Morris Nelson Oliver Owen Payne Phillips Priest Prim Puckett Rawls Rogers Ross Scott of M. Sheffield Shield Simonton Smith of M. Stephenson Tarrant Taylor Toulmin Young Weissinger and Wright.

Those who voted in the negative, are messrs. Blake Boston Calhoun Carmack Clifton Cobb Cook Davis of M. Gann Hammond Jones of B. Long McAlpin McClannahan of M. McCord Scott of J. Simmons of L. Simmons of P. Skinner Smith of D. Spencer Tiffin Warren Williams of H. and Wilson.

Message from the Senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate have passed bills which originated in the House of Representatives of the following titles, viz: an act to appoint commissioners to contract for and superintend the building of a bridge across Flint river in Madison county: an act for the support of paupers in the county of Jackson: an act to appropriate a certain sum for the completion of the Muscle Shoals canal, and have amended the same as therein shewn: an act to regulate the sessions of the county court of Marengo county: an act to incorporate the Gainesville male academy: an act for the relief of Barbary Hazel: an act to increase the revenue fund: an act to authorise John Brandon and his associates to turnpike a certain road therein named, and have amended the same as therein shewn: an act to amend the laws now in force in relation to retailers of spirituous liquors.

Mr Cottrell called up the bill from the Senate entitled an act to incorporate the city of Montgomery; which was read the second time and referred to a select committee, consisting of messrs Cottrell, Calhoun and Oliver.

The House then adjourned till 3 o'clock p. m.

Evening Session, December 21st, 1837.—House met pursuant to adjournment.

Mr May offered the following resolution: *Resolved*, with the concurrence of the Senate, the two Houses of the General Assembly will assemble in the Hall of the House of Representatives to-morrow the 22d inst., at 3 o'clock p. m. for the purpose of electing a President and twelve Directors of the bank of the State of Alabama, and a President and fourteen Directors of the branch of the bank of the State of Alabama at Decatur. Mr Davis of m. moved to lay the resolution on the table, which was lost. Mr Calhoun moved to strike out "3 o'clock" and insert "half after six" which was carried. The resolution was then adopted. Ordered, that the clerk acquaint the Senate therewith.

Message from the Senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate have adopted the following resolution: *Resolved*, that with the concurrence of the House of Representatives, the two Houses will to-morrow Friday the 22d inst., at the hour of 10 o'clock A. M., go into the election of a President and twelve Directors for the bank of the State of Alabama, a President and fourteen Directors for each of the branches of the bank of the State of Alabama at Decatur and Huntsville. Herewith they ask the concurrence of the House of Representatives. Mr May moved to lay the resolution on the table, which was lost. The resolution was then concurred in.

On motion of Mr Calhoun, *Resolved*, that the Senate be now invited to assemble in this House, for the purpose of going into the election of a President and Directors for the branch of the bank of the State of Alabama at Mobile, and a

President and Directors for the branch of the bank of the State of Alabama at Montgomery. The Senate then assembled in the Hall of the House of Representatives and were seated. The two Houses then proceeded to the election of President of the branch of the bank of the State of Alabama at Mobile, George S. Gaines and John B. Norris, being in nomination.

Those who voted for Mr. Gaines are messrs. Crabb Elmore Fleming Frazier Henderson Hudson Lea Mays Rains Rather Riddle Roberts Smith and Wallace of the Senate. Messrs. Speaker Alston Ashurst Baker Bates Bestor Booker Brushier Brevard Burt Cane Clifton Clough Cochran Coman Cook Cottrell Davis of m. Erwin High Johnson King Long Lucas Martin of P. McAlpin McClannahan of S. McClellan McCord McLemore Nelson Oliver Owen Payne Packett Rogers Scott of m. Shields Simmons of P. Simonton Slaughter Stephenson Tarrant Tiffin Weissinger Williams of H. Williams of T. Wilson and Wright, of the House of Representatives—63 votes.

Those who voted for Mr. Norris are, Messrs. President Arnold Burke Devereaux Farrar Goynes Hill Moore Musgrove Posey Simmons Spann Terry Watrous Wellborn and Wilson of the Senate. Messrs. Aldridge Andress Beauchamp Blake Boston Calhoun Carmack Carney Cobb Cross Davis of B. DeJarnett Finley Gann Gordon Greening Hammond Jones of B. Jones of C. Lea Martin of B. May McClannahan of m. Morris Parker Perryman Phillips Porter Priest Prim Rawls Ross Scott of J. Sheffield Simmons of L. Skinner Smith of D. Smith of m. Spencer Taylor Toulmin Vining and Warren of the House of Representatives—59 votes.

George S. Gaines having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected President of the branch of the bank of the State of Alabama at Mobile.

The two Houses then proceeded to the election of fourteen Directors for the branch of the bank of the State of Alabama at Mobile. The following gentlemen being in nomination, to wit: messrs Thomas Bates, J. Battle, Thos. R. Boling, D. D. Cane, Chas. Culbun, F. C. Ellis, Sam'l. B. Ewing, H. S. Evans, J. B. Gage, E. D. Harrison, G. G. Henry, D. R. Hogan, Wm Jones, jr. Wm. Kitchen Martin Lee, E. Mauldin, B. McAlpin, P. Oneil, R. B. Owen, J. H. Pagles, A. D. Parker, Chas Pitcher, Thos Pierce, C. Robinson, John Simpson, E. L. Smith, C. L. Strother, John Tarlton, Thos E. Tart, Chas Taylor, S. Travis, Wm C. Turner, and Daniel White.

Those who voted for Mr. Bates, are messrs. Arnold Crabb Elmore Fleming Frazier Henderson Hudson Lea Mays Musgrove Rains Rather Roberts Simmons Spann Terry Wallace Watrous Wellborn and Wilson of the Senate. Messrs. Speaker Alston Andress Ashurst Baker Bates Beauchamp Booker Brevard Burt Calhoun Carney Clough Cobb Cochran Coman Cottrell Davis of B. Davis of m. Erwin Finley Godbold Gordon Greening Hammond High Johnson Jones of B. Jones of C. King Lea Lucas Long Martin of B. Martin of P. McAlpin McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Priest Prim Packett Rawls Scott of J. Scott of m. Sheffield Simmons of P. Simonton Slaughter Spencer Stephenson Tarrant Tiffin Warren Weissinger Williams of H. Wilson Womack and Wright, of the House of Representatives—88 votes.

Those who voted for Mr. Battle, are messrs. Arnold Burke Devereaux Elmore Lea Mays Musgrove Rains Roberts Simmons Spann Wallace and Wellborn of the Senate. Messrs. Alston Andress Ashurst Bates Burt Calhoun Cane Carney Clough Cochran Coman Cook Cottrell Cross DeJarnett Erwin Godbold Gordon Greening Hammond High Jones of C. Lucas Long McClannahan of m. McClellan McCord Nelson Oliver Owen Perryman Phillips Priest Rogers Ross Scott of J. Smith of m. Shields Simmons of P. Simonton Smith of m. Tarrant Vining Warren Weissinger Williams of H. Williams of T. Wilson Womack and Wright of the House of Representatives—63 votes.

Those who voted for Mr. Boling are, messrs. Burke Crabb Devereaux Hudson Lea Mays Musgrove Posey Rains Rather Riddle Smith Terry and Wallace of the Senate. Messrs. Speaker Aldridge Ashurst Baker Bates Bestor Blake Booker Brushier Brevard Burt Carmack Clifton Clough Cobb Coman Cook Cottrell Davis of B. Davis of m. DeJarnett Greening Hammond Jones of B. Long Martin of P. May McAlpin McClannahan of M. McCord McLemore Oliver Owen Parker Payne Porter Priest Packett Rogers Ross Scott of M. Sheffield Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Spencer Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of T. Womack and Wright of the House of Representatives—74.

Those who voted for Mr. Cane, are messrs. President Arnold Burke Devereaux Farrar Fleming Henderson Hill Hudson Lea Mays Moore Musgrove Posey Rains Rather Roberts Simmons Smith Terry Watrous Wallace and Wellborn, of the Senate. Messrs. Aldridge Alston Bates Beauchamp Blake Boston Brevard Burt Cane Carney Clough Cochran Coman De Jarnett Gann Hammond Jones of B. Jones of C. King Lucas Long Martin of B. McClannahan of S. McCord Morris Oliver Owen Phillips Priest Packett Rogers Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Stephenson Taylor Tiffin Toulmin Vining Warren Williams of H. Williams of T. Wilson and Wright, of the House of Representatives—70.

Those who voted for mr Cullum, are messrs. President Elmore Fleming Mays Rather Roberts Simmons and Spann of the Senate. messrs. High McClellan and Porter, of the House of Representatives.

Those who voted for mr Ellis, are messrs Crabb Elmore Goynes Moore and Rains of the Senate. messrs Brazier Cane and Cochran of the House of Representatives, 8.

Those who voted for mr Ewing, are messrs. Burke Crabb Fleming Goynes Hudson Lea Posey Riddle Roberts Smith Terry Wallace Watrous and Wilson of the Senate. messrs Speaker Alston Ashurst Bates Booker Brashier Cane Clough Cobb Cook Davis of B. Davis of M. De Jarnett Finley Gann Godbold Gordon Greening Johnson King Lee Lucas Long Martin of P. May McLemore Oliver Owen Payne Porter Priest Puckett Rawls Ross Scott of J. Scott of m. Sheffield Simonton Skinner Spencer Tarrant Taylor Weissinger Williams of H. Williams of T. Womack and Wright, of the House of Representatives—61.

Those who voted for mr Evans, are messrs Elmore Smith and Terry of the Senate. messrs. Speaker Alston Address Brevard Calhoun Clifton Cook Cottrell Greening Johnson and Lee of the House of Representatives—14.

Those who voted for mr Gage, are messrs Burke Crabb Elmore Frazier Posey Riddle Terry Wallace and Wilson of the Senate. messrs Speaker Alston Address Baker Bestor Booker Brashier Cane Clough Cobb Coman Cottrell Davis of m. Gann Johnson Jones of B. King Martin of B. Martin of P. Alpin McClellan Nelson Payne Puckett Simonton Smith of m. Spencer Stephenson Vining Warren Williams of H. and Wright, of the House of Representatives—41.

Those who voted for mr Harrison, are messrs President Elmore Farrar Frazier Goynes Henderson Hill Hudson Mays Moore and Simmons of the Senate. messrs Ashurst Baker Beauchamp Blake Carmack Clough Cochran Coman Cook Cottrell Cross Davis of m. DeJarnett Finley Gann Godbold Greening Hammond Jones of B. Jones of C. Lucas May McClannahan of s. McCord Oliver Payne Porter Puckett Rogers Ross Scott of J. Scott of m. Smith of m. Taylor Toulmin and Warren, of the House of Representatives—17.

Those who voted for mr Henry, are messrs Devereaux Elmore Fleming Henderson Mays Rather Roberts of the Senate. messrs Speaker Alston Ashurst Calhoun Cook Cottrell Jones of B. McClannahan of s. McLemore Nelson Oliver Perryman Phillips Porter Weissinger Williams of T. and Womack of the House of Representatives—21.

Those who voted for mr Hogan, are messrs President Elmore Frazier Henderson Mays Moore Mugrove Rather Spann and Wilson, of the Senate. messrs Aldridge Calhoun and Carmack of the House of Representatives—13.

Those who voted for mr Jones, are messrs President Arnold Burke Devereaux Goynes Hill Lee Lea Riddle Roberts Simmons Smith Wallace and Wilson of the Senate. messrs Aldridge Baker Bates Beauchamp Bestor Blake Booker Boston Brevard Calhoun Carmack Carney Clough Cross DeJarnett Finley Gann Hammond Jones of C. Lee Martin of B. Martin of P. May McAlpin McClannahan of m. McLemore Oliver Owen Payne Perryman Phillips Priest Prim Rawls Ross Scott of J. Sheffield Shields Simmons of L. Simonton Slaughter Smith of m. Spencer Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Womack and Wright, of the House of Representatives—70.

Those who voted for mr Kitchen, are messrs Arnold Burke Devereaux Farrar Fleming Goynes Henderson Hill Lee Mays Mugrove Posey Rains Rather Riddle Roberts Spann Terry Wallace Wallace Wellborn and Wilson of the Senate; messrs. Speaker Alston Baker Bates Beauchamp Blake Booker Brevard Calhoun Cane Clough Cobb Cochran Davis of m. Gann Johnson Jones of B. King Jones of B. Lucas Long Martin of B. McClannahan of m. McLannahan of s. McClellan McLemore Morris Owen Parker Perryman Phillips Priest Prim Puckett Rawls Ross Scott of J. Scott of m. Sheffield Shields Simmons of L. Simonton Slaughter Smith of D. Stephenson Taylor Tiffin Toulmin Warren and Wilson, of the House of Representatives.

Those who voted for mr Lee, are messrs. Arnold Burke Crabb Devereaux Farrar Fleming Goynes Henderson Hill Lee Mays Mugrove Posey Rains Rather Riddle Roberts Spann Terry Wallace Wallace Wellborn and Wilson of the Senate; messrs. Speaker Alston Baker Bates Beauchamp Blake Booker Brevard Calhoun Cane Clough Cobb Cochran Davis of m. Gann Johnson Jones of B. King Jones of B. Lucas Long Martin of B. Martin of P. McClannahan of S. McClellan McCord McLemore Morris Oliver Owen Payne Perryman Phillips Porter Ross Scott of m. Shields Simmons of P. Tiffin Vining Warren Weissinger Williams of H. Williams of T. Wilson Womack and Wright of the House of Representatives—70.

Those who voted for mr Mauldin are, messrs Arnold Burke Crabb Fleming Frazier Henderson Hill Hudson Moore Rains Smith Terry Wallace Watrous Wellborn and Wilson of the Senate; messrs Speaker Alston Baker Bestor Booker Blake Brashier Carmack Clifton Cochran Coman Cook Cross Davis of B. Finley Gann Hammond High King Lee Lucas Long Martin of B. McClannahan of S. McClellan McCord Morris Payne Prim Puckett Rogers Scott of J. Shields Simmons of L. Simonton Spencer Tarrant Tiffin Vining Wilson and Wright of the House of Representatives—58.

Those who voted for mr McAlpin are, messrs. President Arnold Burke Devereaux Farrar Fleming Goynes Henderson Hill Lee Moore Mugrove Posey Rather Riddle Smith Spann Terry Wellborn and Wilson of the Senate; messrs. Speaker Aldridge Alston Ashurst Bestor Blake Booker Boston Brashier Carmack Carney Clifton Cobb Cochran Cook Cross Davis of B. Davis of m. De Jarnett Erwin Finley Godbold Gordon Johnson Jones of C. King Lee Long Martin of B. May McAlpin McClannahan of m. McClellan McLemore Morris Oliver Owen Parker Rawls Scott of J. Scott of m. Sheffield Shields Simmons of L. Simmons of P. Slaughter Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Toulmin Vining Warren Williams of H. and Wilson of the House of Representatives—78.

Those who voted for Mr O'neil are, messrs President Crabb Frazier Farrar Henderson Hill Hudson Mays Posey Rather Roberts Simmons Spann Terry Wellborn and Willson of the Senate; messrs. Aldridge Alston, Andres Baker Bates Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Davis of m. De Jarnett Erwin Gann Godbold Gordon Hammond High Johnson Jones of B. Jones of C. King Lee Long McAlpin McClannahan of m. McClannahan of S. McCord Morris Nelson Owen Parker Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Ross Sheffield Simmons of L. Skinner Slaughter Smith of D. Smith of m. Stephenson Tarrant Tiffin Toulmin Williams of H. and Williams of P. of the House of Representatives—81.

Those who voted for Mr Owen are, messrs President Burke Devereaux Farrar Fleming Frazier Mays Posey Rather Roberts Wallace and Wellborn of the Senate; messrs. Aldridge Ashurst Bates Beauchamp Booker Boston Brashier Brevard Carney Clough Cobb Coman Cross Davis of B. Davis of Finley Gann Godbold Gordon Greening High Johnson Jones of C. King Lee Lucas Long Martin B. Martin of P. McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Owen Parker Phillips Prim Puckett Rawls Ross Scott of m. Sheffield Simmons of P. Simonton Spencer Smith of D. Smith of m. Tarrant Tiffin Toulmin Warren Weissinger Wilson Womack and Wright of the House of Representatives—71.

Those who voted for Mr Pagles are, messrs. President Arnold Fleming Goayne Hill Lea Musgrove Posey Rains Smith Terry Watrous and Wellborn of the Senate; messrs. Aldridge Boston Carmack Carney Cross Davis of B. De Jarnett Erwin Godbold Hammond Jones of C. Lucas Martin of B. May McAlpin Morris Owen Parker Payne Rawls Ross Scott of J. Shields Simmons of P. Smith of m. Tiffin Toulmin Vining Weissinger Wilson Womack and Wright of the House of Representatives—45.

Those who voted for Mr Parker are messrs Farrar Henderson Smith and Spann of the Senate; messrs Address Boston Brevard Cane and Cross of the House of Representatives—9.

Those who voted for Mr Pitcher are messrs Crabb Farrar Fleming Goayne Lee Moore Rains Riddle Roberts of the Senate; messrs Speaker Address Brashier Davis of m. Gann Johnson Martin of m. and May of the House of Representatives—17.

Those who voted for Mr Prince are, Messrs Arnold Burke Crabb Devereaux Frazier Hill Hudson Mays Musgrove Posey Rains Riddle Roberts Simmons Spann Watrous Wallace and Wellborn of the Senate; messrs Speaker Ashurst Alston Baker Bates Bestor Burt Calhoun Carmack Carney Clough Cochran Davis of m. Erwin Greening High Jones of B. King Lee Martin of B. Martin of P. May McAlpin McClannahan of S. McCord McLemore Nelson Owen Payne Perryman Phillips Porter Priest Puckett Rogers Ross Scott of m. Shields Simmons of P. Simonton Spencer Slaughter Smith of D. Skinner Stephenson Taylor Vining Weissinger Williams of H. Williams of T. and Wright of the House of Representatives—70.

Those who voted for Mr Robinson are messrs. Arnold Burk Elmore Farrar Frazier Goayne Mays Moore Musgrove Riddle Smith Spann and Terry of the Senate; messrs. Aldridge Alston Ashurst Baker Beauchamp Blake Booker Brashier Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Cross Davis of B. De Jarnett Finley Godbold Greening Hammond High Jones of B. Jones of C. King Lucas Long Martin of B. May McClannahan of m. McClannahan of S. McClellan McLemore Morris Nelson Oliver Parker Perryman Porter Priest Prim Rawls Rogers Scott of J. Scott of m. Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Toulmin Vining Warren Williams of T. Wilson and Womack of the House of Representatives—78.

Those who voted for Mr Simpson are messrs. President Arnold Burke Crabb Devereaux Elmore Lea Rather Riddle Simmons Wallace Watrous and Wilson of the Senate; messrs. Aldridge Baker Bates Bestor Booker Blake Calhoun Cobb Coman Cottrell Davis of m. Erwin Finley Godbold Greening Hammond High Johnson Jones of C. King Lucas Long Martin of B. McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Parker Perryman Phillips Priest Prim Rawls Rogers Scott of J. Sheffield Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Spencer Tarrant Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of T. Wilson Womack and Wright of the House of Representatives—72.

Those who voted for Mr Smith are Messrs Burke Devereaux Simmons and Smith of the Senate; messrs. Address Ashurst Beauchamp Bates Brevard Burt Cane Carmack Clifton Cook Davis of m. Erwin Gann Gordon Greening Hammond Johnson Jones of B. Lee Lucas McClellan Morris Nelson Perryman Porter Priest Prim Sheffield Simmons of L. Simonton Smith of D. Spencer Tarrant Taylor and Wilson of the House of Representatives—39.

Those who voted for Mr Strother are Messrs. President Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hill Hudson Lea Mays Moore Musgrove Posey Rains Riddle Simmons Smith Spann Watrous Wellborn and Wilson of the Senate; messrs. Address Ashurst Baker Beauchamp Bestor Blake Boston Burt Calhoun Cane Carney Cobb Cochran Coman Cottrell De Jarnett Erwin Godbold Gordon Greening High Johnson Jones of B. Jones of C. Lucas Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Nelson Parker Perryman Phillips Porter Puckett Rawls Rogers Ross Simmons of P. Skinner Slaughter Smith of m. Stephenson Tarrant Taylor Toulmin and Weissinger of the House of Representatives—74.

Those who voted for Mr Tarleton are, messrs President Goayne Moore Musgrove Spann Wellborn and Wilson of the Senate; messrs. Aldridge Beauchamp Brevard Carmack Clifton Cross Davis of B. Godbold of the House of Representatives—15.

Those who voted for Mr. Tart are, messrs Arnold Burke Fleming Hill Hudson Musgrove Posey, rather Riddle Terry Wallace and Watrous of the Senate; messrs. Speaker Alston Andress Baker Bester Blake Boston Brashier Cane Carney Clifton Clough Cobb Coman Cottrell Davis of B. Erwin Finley Gann Gordon High Jones of C. Lee Long Martin of P. May McAlpin McClannahan of m. McCord Morris Nelson Owen Parker Payne Phillips Priest Prim Rawls Rogers Scott of m. Sheffield Shields Slaught Smith of D. Stephenson Williams of H. and Womack of the House of Representatives—56.

Those who voted for Mr. Taylor are messrs Crabb Devereaux Elmore Fleming Frazier Henderson Hill Hudson Lea Rains Rather Simmons Spann Watrous and Wilson of the Senate; messrs. Speaker Alston Andress Ashurst Beauchamp Bester Booker Boston Brashier Brevard Burt Calhoun Cane Cochran Clough Cobb Cochran Coman Cook Cottrell Cross Davis of B. De Jarnett Erwin Finley Gann Godbold Gordon Greening High Jones of C. Lee Lucas Martin of P. McAlpin McClannahan of m. McCord Morris Nelson Owen Parker Payne Phillips Priest Prim Rawls Rogers Scott of m. Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of D. Smith of m. Spencer Stephenson Tarran Tiffin Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—83.

Those who voted for Mr. Travis are messrs. President Farrar Frazier Goyne Henderson Hill Hudson Rather Riddle Roberts Simmons Spann Watrous and Wellborn of the Senate; messrs Aldridge Bester Blake Boston Brashier Brevard Carmack Carney Clifton Cochran Cook Cross Davis of B. De Jarnett Gann Gordon High Martin of B. Martin of P. May McAlpin McClannahan of m. Parker Payne Perryman Porter Priest Prim Rawls Ross Scott of J. Sheffield Shields Slaughter Smith of D. Stephenson Taylor Tiffin Toulmin Vining Williams of H. and Williams of T. of the House of Representatives—58.

Those who voted for Mr. Turner are messrs. Arnold Crabb Farrar Goyne Moore Wallace and Watrous of the Senate; messrs. Speaker Baker Boston Cobb Cook Cottrell Hammond Johnson King McClannahan of S. Morris Nelson Prim Sheffield Simmons of L. Simonton Tiffin Vining Williams Williams of T. and Womack of the House of Representatives—29.

Those who voted for Mr. White are, messrs President Devereaux Elmore Farrar Frazier Goyne Henderson Hill Hudson Mays Moore Musgrove Posey Rains Riddle Simmons Smith Terry Watrous Wellborne of the Senate; messrs Aldridge Andress Ashurst Bates Beauchamp Bester Blake Boston Brashier Burt Calhoun Cane Carmack Carney Clifton Cobb Cook Cottrell Cross Davis of B. Davis of P. De Jarnett, Erwin Finley Gann Godbold Gordon Greening Hammond Jones of B. King Lee Long of P. May McAlpin McClannahan of m. McClannahan of S. McCord McLemore Nelson Oliver Payne Perryman Phillips Porter Prim Rawls Rogers Scott of J. Scott of m. Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of m. Spencer Stephenson Tarran Tarran Tiffin Weissinger and Wilson of the House of Representatives—95.

Messrs. Thomas Bates, Thomas R. Bowling, D. D. Crane, William Jones, jr. Martin R. McAlpin, P. S. Oneil, R. B. S. Owen, Thomas Prince, C. Robinson, John Simpson, C. Strother, C. Taylor and David White, having received the highest number of votes and a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected Directors of the Branch of the Bank of the State of Alabama at Mobile.

The two Houses then proceeded to the election of a President of the Branch of the Bank of the State of Alabama at Montgomery. Mr John F. Martin alone being in nomination.

Those who voted for him are, messrs President Burke Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hill Hudson Lea Moore Musgrove Posey Rains Rather Riddle Simmons Spann Wallace Watrous Wellborn and Wilson of the Senate; messrs. Speaker Aldridge Andress Ashurst Beauchamp Bester Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clough Cobb Cochran Coman Cook Cross Davis of B. Davis of m. De Jarnett Erwin Finley Gann Gordon Hammond High Johnson Jones of B. Jones of C. King Lee Long Martin of P. May McAlpin McClannahan of m. McClellan McLemore Morris Oliver Payne Porter Priest Prim Puckett Rawls Scott of J. Scott of m. Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of m. T. Taylor Toulmin Vining Warren Williams of H. Williams of T. Wilson and Womack of the House of Representatives—96.

Mr John F. Martin having received ninety-six, it being all the votes given, Mr Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama at Montgomery.

The two Houses then proceeded to the election of fourteen directors of the Branch of the Bank of the State of Alabama at Montgomery. The following gentlemen being in nomination, viz: Messrs Armstrong, Bell, Baldwin, Bester, Brumby, Cokely, Campbell, Durden, Fleming, Goldthwaite, Herbert, Harrell, Hall, Huey, Johnson, Bidd, Knox, Lucas, Matthews, McGill, Munday, N. Smith, Stickney, S. W. Taylor, Pearce, Prewitt, Saxon, Shortridge, A. R. Smith, N. Smith, Stickney, S. W. Taylor, Thompson, Thorington and Wynn.

Those who voted for Mr. Armstrong, are, messrs Elmore and Mays, of the Senate; messrs Bester Booker Burt Cook Davis of m. McCord Oliver Payne Scott of m. Simmons of L. Tarran Weissinger, of the House of Representatives—15

those who voted for Mr. Bell, are, messrs Crabb Devereaux Elmore Fleming Henderson Hudson Lee Rains Riddle Roberts Simmons Spann and Terry, of the Senate: messrs Speaker Address Ash-baker Bates Bester Blake Booker Brevard Burt Calhoun Cane Carney Clough Coman Cottrell Cross Davis of m. DeJarnett Erwin Finley Godbold Greening Jones of B. Jones of C. King Lee May McAlpin McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Porter Prim Puckett Rawls Rogers Scott of m. Shields Simmons of L. Skinner Smith of D. Smith of m. Stephenson Tarrant Toulmin Vining Weissinger Williams of H. Wilson and Womack, of the House of Representatives—75.

Those who voted for Mr. Baldwin, are, messrs Devereaux Elmore Frazier Henderson Hill Hudson Moore Musgrove Riddle Simmons Spann Wallace Wellborn and Wilson, of the Senate: messrs Address Ashurst Beauchamp Bester Blake Boston Brasher Burt, Cane Carmack Carney Clifton Cobb Cochran Coman Cook Cottrell DeJarnett Gann Godbold Gordon Greening Hammond High Jones of C. King Lee Long May McAlpin McClannahan of m. McCord McLemore Oliver Owen Perryman Phillips Porter Priest Puckett Rogers Ross Scott of m. Sheffield Shields Simmons of P. Skinner Smith of D. Smith of m. Stephenson Taylor Tiffin Toulmin Warren Williams of H. Wilson and Womack of the House of Representatives—77.

Those who voted for Mr. Barclay are, messrs President Arnold Burke Crabb Farrar Frazier Hudson Moore Rather Roberts Simmons Smith Spann Terry Wallace Watrous and Wilson, of the Senate: messrs Speaker Aldridge Address Baker Bates Beauchamp Bester Blake Booker Boston Burt Cane Carmack Clifton Clough Cobb Coman Cottrell Cross Davis of B. Davis of m. DeJarnett Finley Gann Godbold Gordon Greening Johnson Jones of B. King Lee Lucas Martin of B. McClannahan of m. McClannahan of S. McClellan Morris Nelson Owen Parker Phillips Prim Ross Sheffield Simmons of L. Skinner Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Weissinger Williams of H. Wilson and Womack, of the House of Representatives—77.

Those who voted for Mr. Bamby are, messrs Arnold Burke Crabb Devereaux Farrar Henderson Moore Rather Roberts Simmons Smith and Wellborn, of the Senate: messrs Speaker Aldridge Address Baker Bates Beauchamp Blake Booker Boston Brasher Brevard Burt Cane Carney Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of m. DeJarnett Godbold Greening High Jones of B. King Lee Long Martin of P. McClannahan of m. McClannahan of S. McClellan McLemore Nelson Owen Perryman Porter Priest Prim Puckett Rawls Rogers Sheffield Simmons of P. Smith of m. Stephenson Tarrant Tiffin Warren Weissinger Williams of H. and Wilson, of the House of Representatives—79.

Those who voted for Mr. Cokely are, messrs President Arnold Crabb Devereaux Farrar Hill Moore Spann and Wellborn of the Senate: messrs Address Ashurst Beauchamp Bester Boston Brasher Cane Carney Clifton Clough Cochran Davis of B. Davis of m. Godbold Gordon Greening Hammond Jones of C. Long Martin of B. May McClannahan of S. McCord Morris Nelson Oliver Owen Parker Perryman Porter Puckett Rawls Rogers Scott of m. Shields Simmons P. Smith of D. Vining Warren Williams of H. and Womack, of the House of Representatives—81.

Those who voted for Mr. Campbell are, messrs President Arnold Burke Crabb Farrar Hill Moore Riddle Smith Spann Terry Watrous and Wilson, of the Senate: messrs Aldridge Bates Beauchamp Bester Blake Booker Boston Brasher Calhoun Cane Carmack Carney Clifton Cobb Cochran Coman Cook Davis of B. Davis of m. DeJarnett Erwin Finley Gann Gordon Hammond High Johnson Jones of C. Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McLemore Morris Nelson Parker Payne Prim Rawls Rogers Ross Shields Simmons of L. Smith of P. Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining and Weissinger, of the House of Representatives—82.

Those who voted for Mr. Durden are, messrs President Mays Hill Smith and Watrous, of the Senate: messrs Aldridge Gordon McClannahan of S. and Prim, of the House of Representatives—9.

Those who voted for Mr. Fleming are, messrs Burke Farrar Fleming Frazier Henderson Lee Moore Rains Rather Riddle Wallace and Watrous, of the Senate: messrs Address Calhoun Cobb McClannahan of S. and McClellan, of the House of Representatives—17.

Those who voted for Mr. Goldthwaite are, messrs President Arnold Burke Crabb Fleming Frazier Mays Moore Posey Riddle Smith Terry Wallace and Wellborn, of the Senate: messrs Speaker Ash-baker Bates Beauchamp Calhoun Carmack DeJarnett Erwin Finley Gann Lucas Long Martin of May McAlpin McCord McLemore Oliver Owen Payne Porter Puckett Ross Scott of m. Shields Smith of m. Tarrant Taylor Tiffin Toulmin Vining and Warren, of the House of Representatives—48.

Those who voted for Mr. Herbert are, messrs Devereaux Elmore Hudson Lee Mays and Roberts, of the Senate—of the House of Representatives none—6.

Those who voted for Mr. Harwell are, messrs Arnold Burke Crabb Frazier Henderson Hill Lee Moore Mays Moore Posey Rains Rather Smith Spann Terry Watrous Wellborn and Wilson, of the Senate: messrs Address Aldridge Baker Beauchamp Blake Booker Boston Brasher Cane Carmack Carney Clifton Cobb Cochran Coman Cottrell Cross Davis of B. DeJarnett Gann Godbold Gordon Greening Hammond High Johnson Jones of B. Jones of C. King Lee Long Martin of B. McClannahan of m. McClannahan of S. Morris Nelson Owen Payne Priest Prim Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of D. Smith of m. Stephenson Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Wilson and Womack, of the House of Representatives—81.

Those who voted for Mr. Hall are, messrs President Arnold Farrar Fleming Frazier Henderson Hill Moore Musgrove Posey Rains Rather Smith Spann Terry Watrous Wellborn and Wilson, of the Senate: messrs Aldridge Baker Beauchamp Blake Booker Boston Brasher Cane Carmack Carney Clifton Cobb Cochran Cross Davis of m. DeJarnett Finley Gann Godbold Gordon Hammond High Johnson Jones of B. Jones of C. King Lee Long Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. Morris Nelson Owen Payne Priest Prim Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of D. Smith of m. Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Williams of H. and Wilson, of the House of Representatives—77.

Vining Warren Williams of H. and Wilson, of the House of Representatives—77. Those who voted for Mr. Huey are, messrs Moore and Roberts of the Senate—2. Of the House of Representatives, none.

Those who voted for mr Johnson are, messrs President Arnold Farrar Henderson Hill Le Smith Spaun and Watrous of the Senate. messrs Speaker Aldridge Baker Blake Booker Bost Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Coman Davis of B. DeJarnett Godbold Gordon Greening Hammond High Johnson Jones of B. King Lee Long Martin of P. McClannahan of m. McClannahan of S. McClellan Morris Nelson Parker Phillips Prim Shields Simmons of L. Simmons of P. Smith of D. Smith of m. Tarrant Taylor Tiffin Tol Warren Weissinger and Wilson, of the House of Representatives—65.

Those who voted for mr Kidd are, messrs Crabb Farrar Frazier Hudson Musgrove R Simmons Wallace Watrous and Wilson, of the Senate: messrs Baker Bester Brevard B Davis of B. Finley Hammond King Lucas McClannahan of S. McClellan McLemore Pa Priest Prim and Rogers, of the House of Representatives—29.

Those who voted for mr Knox, are messrs President Arnold Crabb Elmore Fleming F Moore Musgrove Posey Rather Spann Terry Wallace and Watrous, of the Senate. messrs Aldridge Ashurst Booker Brashier Carmack Cochran Cottrell Cross Davis of B. Finley G Johnson King Lee Lucas Long Martin of B. Martin of P. May McAlpin McClannahan of M. han of S. McClellan Morris Nelson Oliver Parker Perryman Priest Puckett Rawls Rogers R in Sheffield Shields Simmons of P. Smith of D. Stephenson Tiffin Toulmin Vining Weissinger son, of the House of Representatives—62.

Those who voted for mr Lucas are, messrs Arnold Burke Crabb Devereaux Elmore Farr Henderson Hudson Lee Mays Moore Musgrove Posey Rather Riddle Roberts Simmons T and Wellborn, of the Senate: messrs Speaker Aldridge Address Ashurst Baker Bates B Boston Brashier Brevard Burt Calhoun Clifton Clough Coman Cook Cottrell Cross Davis of a. Erwin Finley Greening Hammond High Johnson King Lee Lucas Long Martin of m. May McAlpin McClannahan of M. McCord McLemore Nelson Oliver Owen Payne Perryman Porter Priest Puckett Rawls Scott of m. Sheffield Simmons of P. Skinner Smith of m. Steph en Tiffin Toulmin Vining Warren Weissinger Wilson and Womack, of the House of R tives—85:

Those who voted for mr Matthews are, messrs President Burke Devereaux Elmore Fleming son Mays Musgrove Riddle Roberts Wallace Wellborn and Wilson of the Senate: mess Ashurst Bates Brevard Calhoun Cook Cottrell Erwin Greening Martin of P. McAlpin McLe r—Oliver Phillips Rose Scott of m. Tarrant Weissinger Williams of H. and Womack, of th Representatives—35.

Those who voted for mr McGill are, messrs Devereaux Elmore Fleming Henderson Hudson grove Posey Rains Rather Roberts Simmons Spann and Wilson, of the Senate: messrs S Jones Bates Benchamp Bester Blake Brashier Brevard Burt Calhoun Cane Carmack Clough Coman Cook Cottrell Cross Davis of m. Erwin Gordon Greening Hammond Jones of B. Jones Long Martin of P. McClannahan of m. Morris Perryman Phillips Prim Puckett Roger Ros Shields Simmons of L. Smith of D. Stephenson Weissinger and Williams of H. of the House Representatives—56.

Those who voted for mr Monday are, messrs Elmore and Musgrove of the Senate—2. Of Representatives, none.

Those who voted for mr Pollard, are messrs President Burk Crabb Devereaux Farrar Henderson Mays Posey Rains Rather Riddle Roberts Smith Terry Wallace and Wellborn, of the Senate: messrs Speaker Address Ashurst Baker Bates Bester Blake Booker Boston Brashier Bost Carmack Carney Clifton Cobb Coman Cook Cottrell Cross Davis of B. Davis of m. DeJarnett B by Gann Godbold Greening High Johnson Jones of B. King Lee Lucas Long Martin of B. M way McAlpin McCord McLemore Oliver Owen Payne Perryman Phillips Porter Prim Rawls Scott of m. S. Field Shields Simmons of L. Skinner Smith of D. Smith of m. T Vining Warren Weissinger Williams of H. Wilson and Womack, of the House of Represent

Those who voted for mr Pearce are messrs President Burke Crabb Devereaux Elmore Farr ar Frazier Henderson Hill Hudson Lee Posey Rains Rather Riddle Roberts Smith Spann T Lee Watrous Wellborn and Wilson of the Senate: messrs Aldridge Address Ashurst B Blenchamp Bester Blake Booker Boston Burt Calhoun Cane Carney Clifton Clough Cobb Coman Cook Cottrell Cross Davis of B. Davis of m. DeJarnett Erwin Gann Godbold Gordon High Jones of B. Jones of C. King Lee Long Martin of P. McAlpin McClannahan of m. McC Cord Oliver Owen Parker Payne Perryman Phillips Porter Priest Prim Rawls Scott of S. Shields Simmons of P. Skinner Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Va ren Williams of H. Wilson and Womack, of the House of Representatives—91.

Those who voted for mr Prewitt are, messrs Devereaux Elmore Farrar Frazier Henderson Moore Musgrove Rains Rather Roberts Simmons Wallace and Wilson, of the Senate: mess B Baker Burt Calhoun Clifton Clough Cobb Coman Cook Cottrell Cross Erwin Greening Ham Jones of B. Jones of C. Lucas Martin of P. McCord Nelson Phillips Porter Priest Puckett R field Simmons of L. Taylor Wilson and Womack, of the House of Representatives—46.

Those who voted for mr Saxon are, messrs Elmore Fleming Frazier Hudson Lee Posey Rai and Simmons, of the Senate: messrs Aldridge Address Ashurst Boston Brashier Brevard B Carney Clifton Cobb Coman Cottrell Cook Davis of B. Davis of m. DeJarnett Godbold Gordon King Lucas Long May McClannahan of S. McClannahan of m. McClellan McCord Morris Pa man Prim Puckett Ross Skinner Smith of m. Tiffin Warren Williams of H. and Wilson, of Representatives—49.

Those who voted for mr Shortridge are, messrs President Arnold Crabb Devereaux Farr

Hill Hudson Moore Musgrove Posey Rains Rather Riddle Roberts Smith Spand Terry Wellborn and Wilson, of the Senate: messrs Speaker Aldridge Address Ashurst Baker Beauchamp Bestor Blake Booker Boston Brashier Calhoun Cane Carmack Carney Clifton Cobb Coman Cottrell Cross Davis of B. Davis of m. Erwin Finley Gann Godbold Gordon Hammond Jones of B. Jones of C. Lee Lucas Long Martin of B. Martin of P May McAlpin McClannahan of S. McClellan McCord McLemore Morris Oliver Owen Parker Payne Perryman Porter Priest Prim Puckett Rawls Rogers Scott of m. Simmons of P. Skinner Smith of m. Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. and Womack of the House of Representatives—96.

who voted for mr A K Smith, are messrs President Burke Frazier Henderson Moore Musgrove Simmons Smith Watrous and Wilson of the Senate. messrs Address Beauchamp Burt Cane Carney Clough Cobb Cochran Cook Cross Godbold Gordon High Jones of C. King Lucas P. McClellan Morris Prim Ross Sheffield Simmons of L. Skinner Stephenson Tarrant and Tiffin of the House of Representatives. 39.

who voted for mr N. Smith, are messrs Burke Elmore Frazier Hudson Rains Roberts Smith Watrous of the Senate. 8. Of the House of Representatives, none.

who voted for mr Spickney, are messrs Devereaux Mays Rather Riddle Wallace and Watrous of the Senate. messrs Speaker Ashurst Bates Bestor Blake Brevard Carney Erwin Hammond McAlpin Johnson of S. McLemore Oliver Payne Perryman Porter Priest Rawls Scott of m. Smith of D and Tiffin of the House of Representatives—27.

who voted for mr Spiker, are messrs Arnold Crabb Elmore Frazier Hill Simmons Terry Watrous and Wilson of the Senate. messrs Aldridge Baker Boston Cobb Finley Gann Johnson Lee Lucas of B. McClannahan of m. McClannahan of S. McClellan Morris Nelson Parker Payne Rodgers of L. Simmons of P. Stephenson and Vining of the House of Representatives—32.

who voted for mr Thompson, are messrs Devereaux Farrar Hill Lee Moore Rains Rather Spann Watrous of the Senate. messrs Speaker Bates Bestor Brashier Brevard Carney Cochran Gann Johnson Jones of B. Jones of C. Martin of m. May McLemore Nelson Owen Perryman Phillips Priest Ross Scott of m. Smith of m. Taylor Williams of H. and Womack of the House of Representatives, 36.

who voted for mr Thornton, are messrs President Arnold Burke Fleming Lee Mays Moore Posey Riddle Simmons Spann Terry and Wellborn of the Senate. messrs Aldridge Baker Bravard Burt Clough Cochran Cook Davis of B. Davis of m. DeJarnett Erwin Finley Hammond High Jones of B. Jones of C. Lee Martin of B. May McCord McLemore Nelson Oliver Payne Perryman Phillips Porter Priest Puckett Rawls Rodgers Sheffield Shields Simmons of S. Stephenson Taylor Toulmin and Warren, of the House of Representatives, 56.

who voted for mr Hyman, are messrs Arnold Burke Fleming Mays Moore Musgrove Posey Spann Terry Wellborn and Wilson of the Senate. messrs Ashurst Beauchamp Brashier Calhoun Cook Cochran Cross Davis of B. DeJarnett Erwin Finley Gann Godbold High Johnson Jones Martin of B. May McAlpin McLemore Oliver Owen Parker Payne Rawls Rodgers Ross Scott of L. Sheffield Shields Simmons of P. Skinner Smith of m. Taylor Tiffin Toulmin Vining Warren and Womack of the House of Representatives—53.

Mr Bell, Baldwin, Barclay, Brumby, Campbell, Herewell, Hall, Johnson, Lucas, Pollard, Pearce and Shortridge, having received a majority of the votes given, and no other one of the candidates having received a majority of all the votes given, mr Speaker declared them only, as duly and constitutionally elected, Directors of the Branch of the Bank of the State of Alabama, Montgomery.

The Senate then withdrew, and the House adjourned until to-morrow, 9 o'clock.

Monday, December 22.—Mr Clough moved a call of the House, which was answered: when the following members appeared and answered to their names,

Ashurst Baker Bates Brevard Calhoun Carney Cochran Coman Cook Cottrell Daniel Godbold Gordon High Horton Johnson Davis of B. Davis of m. King Lee Long Lucas Martin of P. May McCord Morris Nelson Oliver Owen Payne Phillips Puckett Rogers Scott of m. Simonton Spencer Tiffin Toulmin Weissinger Williams of H. Womack and Wright. Being a quorum, the House proceeded to business.

A bill to provide for the payment of certain persons therein named, and the amendment of the Senate thereto, was taken up and the amendment was agreed to by the House.

Mr Vining called up the bill from the Senate to provide for the more permanent location of the seat of justice, in the county of Green; which was read the

second time and the constitutional rule requiring bills to be read on three several days was dispensed with, the bill was read a third time forthwith and Ordered, that the clerk acquaint the Senate therewith.

The *House* granted leave of absence generally, to Mr Simmons of P.

The bill from the Senate to establish a medical board at the town of In in the county of Benton, was read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith and the rule being further dispensed with, it was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Bills from the Senate entitled, an act to establish a board of commissioners for the improvement of the navigation of the Cahawba river, below the town of Centreville: an act to incorporate the town of Aberfoil, in the county of Baldwin: an act to establish a board of commissioners for the improvement of the navigation of the Little Bigby river, below the Mississippi State line: an act to incorporate the town of Bell Rose, in the county of Baldwin; were all read and ordered to a second reading on to-morrow.

The bill from the Senate to authorize the holding of a special term of county court of Montgomery county, was read and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and the rule being further dispensed with, it was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill from the Senate to provide for the preservation of the books of the State, was read and ordered to a second reading on to-morrow.

The bill from the Senate entitled an act to regulate the writ of *scire facias* returnable to the orphan's court, was read and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith and referred to a select committee, consisting of messrs Erwin, Parson and Calhoun.

Mr Cottrell from the select committee to whom was referred the engrossed bill from the Senate, entitled an act to incorporate the city of Montgomery, reported the same back to the House without amendment and recommended its passage, in which report the House concurred. The bill was then read the second time, and the rule requiring bills to be read on three several days, being dispensed with, it was read a third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Calhoun moved to lay all messages from the Senate on the table for the purpose of taking up the orders of the day; which was carried.

The House then proceeded to the consideration of the orders of the day. The bill from the Senate to increase the Bank issues on the shipment of cotton, having been made the special order of the day, was taken up and read the second time. Mr Erwin moved to suspend the constitutional rule requiring bills to be read on three several days, for the purpose of giving the bill a third reading forthwith.

Message from the Senate by Mr Childress their assistant secretary—*read*: The Senate have passed a bill of the following title to wit: An act to compensate Percival Holbert, for a slave executed according to law and for other purposes. They have also passed bills which originated in the Senate and of the following titles: An act authorizing Green McLeroy to clear out and improve the road therein named: an act to establish a professorship of law in the University of Alabama.

On motion, *Resolved*, that the Senate be now informed that the *Honorable Representatives* is ready to receive them in their Hall, for the purpose of

ding to the election of a president and directors of the Bank of the State of Alabama and the branches thereof, at Decatur and Huntsville. Ordered, that the clerk acquaint the Senate therewith.

Mr McLemore from the committee on enrolled bills, reported as correctly rolled, an act to compensate certain persons therein named.

Mr Owen from the committee on enrolled bills made the following report. The committee on enrolled bills have examined and find truly and correctly enrolled, bills of the following titles, to wit: An act to incorporate the town of Person, in Cherokee county: an act to regulate the compensation of witnesses in civil cases and for other purposes: an act to incorporate the Salem male and female academy, in the county of Russell: an act to incorporate the farmers academy: an act to establish a new beat in the county of Dallas: an act to incorporate the town of Allenton, in the county of Wilcox: an act for the benefit of the University of this State: an act to change the time of holding the county courts in Barbour and Greene counties: an act to incorporate the Gainesville female academy: an act for the relief of William Chalmers of Pickens county: an act to increase the sheriff's fees in Baldwin county.

On motion of Mr De Jarnett, Resolved, That the Senate be now invited to assemble in the Hall of the House for the purpose of going into the election of one director of the Branch of the Bank of the State of Alabama at Montgomery.

The Senate then assembled in the Hall of the House of Representatives and were seated. The two Houses then proceeded to the election of one director for the Branch of the Bank of the State of Alabama at Montgomery—Justus Wyman and Benjamin Saxon being in nomination.

Those who voted for Mr Wyman are, messrs Arnold Farrar Fleming Frazier Goyne Henderhill Lea Mays Moore Musgrove Rains Riddle Smith Wallace Watrous Wellborn and Wilcox of the Senate; messrs. Bates Beauchamp Bestor Booker Boston Brashier Calhoun Carmack Chey Cochran Cross Davis of B. Erwin Finley Gann High Johnson Jones of C. Lee Lucas Martin of B. May McAlpin McLemore Nelson Oliver Owen Parker Payne Rawls Scott of J. T. of m. Sheffield Shields, Simmons of L. Slaughter Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Williams of T. Wilson and Womack of the House of Representatives—64.

Those who voted for Mr Saxon are messrs. President Crabb Devereaux Elmore Hudson Rather Roberts Simmons and Terry of the Senate; messrs. Aldridge Andress Baker Blake Brevard Burt Cane Clifton Clough Coman Cottrell Davis of m. De Jarnett Greening Hammond King of B. King Martin of P. McClannahan of m. McClannahan of S. McClellan McCord Perkins Phillips Porter Prim Priest Puckett Ross Simonton Smith of D. Spencer Stephenson Weissinger and Wright of the House of Representatives—45.

Mr Wyman having received a majority of all the votes given Mr Speaker declared him duly constitutionally elected a director of the Branch of the Bank of the State of Alabama at Montgomery.

The two Houses then proceeded to the election of a president of the Bank of the State of Alabama—William D. Stone, Hardin Perkins and John Marast being in nomination.

Those who voted for Mr Marast are messrs. Riddle and Watrous of the Senate; messrs. Beauchamp Calhoun Carmack Cook Erwin Finley McAlpin Morris Payne Rogers Scott of J. Sheffield Spencer of the House of Representatives—15.

Those who voted for Mr Perkins are messrs. Arnold Crabb Devereaux Elmore Fleming Henderson Hudson Mays Rains Rather Roberts Simmons and Wallace of the Senate; messrs. Andress Baker Bates Blake Booker Brevard Burt Cane Clifton Clough Coman Cottrell Davis of m. Greening High Jones of B. Martin of R. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Oliver Perryman Phillips Porter Priest Prim Puckett Ross Smith of m. Simonton Skinner Slaughter Stephenson Tarrant Tiffin Weissinger Williams of T. Wright of the House of Representatives—55:

Those who voted for Mr Stone are messrs. President Frazier Hill Lee Moore Musgrove Posey Spann and Wilson of the Senate; messrs. Aldridge Beauchamp Boston Brashier Carney Cross Davis of B. De Jarnett Gann Hammond Johnson Jones of C. King Lee Lucas Martin of B. Nelson Owen Parker Rawls Simmons of L. Smith of D. Smith of m. Taylor Toulmin Vining Warren Wilson and Womack of the House of Representatives—40.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to a second balloting. Mr Marast being withdrawn.

Those who voted for mr Perkins are, messrs Arnold Crabb Devereaux Elmore Fleming Henderson Hudson Mays Rains Rather Riddle Roberts Simmons Wallace and Watrous of the Senate; messrs. Speaker Address Baker Bates Bestor Blake Booker Brevard Burt Calhoun Calkins Clifton Clough Cochran Coman Cook Cottrell Davis of m. Erwin Greening High Jones of m. Martin of p. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Oliver Payne Perryman Phillips Porter Priest Prim Puckett Rodgers Ross Scott of m. Simonton Skinner Slaughter Spencer Tarrant Tiffin Weissinger Williams of T. and Wright of the House of Representatives—66.

Those who voted for mr Stone are, messrs. President Frazier Goyne Hill Lea Moore Musgrove Posey Smith Terry and Wilson of the Senate; messrs. Aldridge Beauchamp Boston Brashier Carmack Carney Cross De Jarnett Finley Gann Hammond Johnson Jones of C. King Lee Lucas Martin of B. Nelson Owen Rawls Simmons of L. Smith of D. Smith of m. Taylor Toulmin Vining Warren Wilson and Womack of the House of Representatives—40.

Mr Hardin Perkins having received a majority of all the votes given, mr Speaker declared him duly and constitutionally elected president of the Bank of the State of Alabama at Tuscaloosa.

The two Houses then proceeded to the election of twelve directors for the Bank of the State of Alabama at Tuscaloosa—messrs. William Azlett, John Cantley, Robert Caruthers, L. Clarke, A. Cook, T. B. Childress, C. M. Conroe, Daniel Cribbs, J. H. Dearing, P. Donaldson, S. Farrar, P. B. Healy, James Hogan, A. J. Holcomb, Robert Jimison, Jr. Joseph Lacy, Charles Law, John Morast, G. B. W. Mitchell, John Owen, A. K. Ramsey, Thomas A. Smith, J. F. Thomason, J. Vanhous, Jori White, J. J. Webster, H. C. Whitney, James C. Wilson and Benjamin Williams, being in nomination.

Those who voted for mr Azlett are messrs President Devereaux Smith and Watrous of the Senate; messrs. Speaker Calhoun Cottrell and Phillips of the Representatives—8.

Those who voted for mr Cantley are messrs Arnold Crabb Elmore Farrar Fleming Frazier Goyne Henderson Hudson Mays Musgrove Posey Rains Roberts Terry and Wallace of the Senate; messrs. Aldridge Address Baker Blake Booker Cane Carmack Carney Clifton Clough Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Gann Greening Hammond High Johnson Jones of B. Jones of C. King Lee Martin of B. McCord McLemore Morris Nelson, Owen Parker Payne Perryman Phillips Porter Priest Prim Rogers Ross Scott of J. Scott of m. Stephenson Slaughter Smith of D. Spencer Stephenson Tarrant Tiffin Warren Weissinger Williams of T. and Wright of the House of Representatives—78.

Those who voted for mr Caruthers are, messrs President, Elmore Farrar Fleming Frazier Goyne Henderson Hudson Mays Musgrove Posey Rains Rather Riddle Roberts Simmons Terry and Wellborn of the Senate; messrs. Speaker Aldridge Alston Ashurst Bates Blake Brashier Brevard Clifton Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Gann High Jones of B. McClannahan of m. McClellan McLemore Morris Nelson Oliver Owen Parker Priest Rogers Scott of J. Scott of m. Stephenson Taylor Toulmin Vining Wilson Womack and Wright of the House of Representatives—64.

Those who voted for mr Clarke are messrs President Elmore Farrar Frazier Hill Moore Posey Riddle and Wilson of the Senate; messrs Aldridge Ashurst Beauchamp Boston Brashier Calhoun Carney Clifton Davis of m. Gann Jones of C. Lee Lucas Martin of B. McClannahan of S. Morris Prim Scott of J. Simmons of L. Smith of B. Smith of m. and Taylor of the House of Representatives—32.

Those who voted for mr Cook are messrs President Arnold Elmore Frazier Goyne Henderson Hill Lea Moore Musgrove Rains Riddle Smith Terry Wellborne and Wilson of the Senate; messrs Aldridge Beauchamp Booker Cane Carney Clough Cobb Cochran Coman Cottrell Cross Davis of m. Gann High Johnson Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of S. Morris Nelson Parker Payne Puckett Rawls Rogers Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Smith of m. Tarrant Taylor Toulmin Vining Warren Weissinger Wilson Womack and Wright of the House of Representatives—51.

Those who voted for mr Childress are, messrs President Arnold Devereaux Farrar Frazier Henderson Hudson Lee Mays Musgrove Rains Riddle Roberts Smith Terry Watrous Wellborn and Wilson of the Senate; messrs Speaker Alston Ashurst Bates Boston Brevard Burt Calhoun Cross Davis of m. Erwin Godbold High Johnson Jones of B. Martin of P. McAlpin McLemore Nelson Owen Prim Rawls Scott of m. Shields Simonton Skinner Taylor Toulmin Weissinger Wilson Womack and Wright of the House of Representatives—52.

Those who voted for mr Conroe are, messrs Arnold Crabb Devereaux Elmore Fleming Gann Mays Rains Roberts Simmons Wallace and Watrous of the Senate; messrs Speaker Bates Brashier Carmack Coman Cook Cottrell Greening Johnson Jones of C. King McCord McLemore Morris Oliver Perryman Phillips Priest Prim Pucket Rodgers Scott of m. Simmons of L. Simonton Spencer Stephenson and Womack of the House of Representatives—43.

Those who voted for mr Cribbs are, messrs President Arnold Frazier Hill musgrove Rather and Smith of the Senate; messrs Aldridge Bestor Boston Brashier Burt Cane Carmack Davis of m. De Jarnett Erwin Finley Gann Godbold High Johnson King martin of b. may McAlpin Parker Rogers Sheffield Simmons of L. Simonton Skinner Smith of m. Spencer Taylor Tiffin Toulmin and Warren of the House of Representatives—38.

Those who voted for mr Dearing are, messrs President Farrar Frazier Mays Moore Riddle and Wallace of the Senate; messrs Speaker Beauchamp Blake Boston Carmack Clifton Coman Lucas martin of B. McClannahan of m. McClellan Payne Rogers Scott of J. and Vining of the House of Representatives—22.

Those who voted for mr Donaldson are, messrs President Arnold Elmore Fleming Frazier Goyne Hill Moore Musgrove Smith Terry Watrous and Wilson of the Senate; messrs Aldridge Beauchamp, Booker Brashier Cobb Cross Davis of b. De Jarnett Finley Hammond High Johnson King Lee Lucas Martin of b. May McClannahan of m. McClannahan of S. Morris Parker Rawls Scott of J. Scott of m. Smith of m. Spencer Tiffin Toulmin Vining Williams of T. and Womack of the House of Representatives—44.

Those who voted for mr Frierson are, messrs President Arnold Farrar Fleming Frazier Goyne Hill Moore Musgrove Posey Rains Smith Terry Wellborn and Wilson of the Senate; messrs Speaker Aldridge Baker Beauchamp Blake Booker Boston Brashier Brevard Cane Carmack Carney Clifton Cobb Cochran Coman Cross Davis of b. Davis of m. De Jarnett Finley Gann Godbold Hammond Jones of b. Jones of C. King Lee Lucas Martin of b. May McClannahan of m. McClannahan of S. McLemore Nelson Owen Parker Payne Priest Prim Rawls Rodgers Scott of J. Sheffield Shields Simmons of L. Skinner Smith of D. Smith of m. Spencer Taylor Tiffin Toulmin Vining Warren Williams of T. Wilson and Wright of the House of Representatives—74.

Those who voted for mr Healy are messrs Fleming and Rather of the Senate; messrs Ashurst Cochran Cook Martin of P. Porter Ross and Wilson of the House of Representatives—9.

Those who voted for mr Hogan are messrs Crabb Devereaux Elmore Fleming Henderson Hill Hudson Lee Mays Posey Rather Riddle Roberts Simmons Smith Terry Wallace Watrous Wellborn and Wilson of the Senate; messrs Speaker Alston Address Ashurt Baker Bates Bestor Blake Booker Boston Calhoun Cobb Cochran Cook Cottrell Davis of b. Davis of m. Erwin Finley Greening Jones of b. Jones of C. Lee Martin of b. Martin of P. McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Oliver Owen Parker Payne Perryman Phillips Porter Ross Scott of m. Sheffield Shields Simmons of L. Skinner Slaughter Smith of m. Spencer Stephenson Tarrant Taylor Vining Weissinger Williams of T. Wilson and Womack of the House of Representatives—76.

Those who voted for mr Holcombe are messrs Devereaux Goyne and Watrous of the Senate; messrs Hammond McClannahan of S. Perryman Prim Smith of D. and Tarrant of the House of Representatives—9.

Those who voted for mr Jemison are, messrs Crabb Devereaux Elmore Fleming Goyne Henderson Lee Mays Moore Rains Rather Riddle, Roberts Simmons Smith Wallace Watrous Wellborn and Wilson of the Senate; messrs Speaker Alston Address Ashurst Bates Beauchamp Bester Blake Booker Brashier Brevard Burt Calhoun Carmack Carney Clough Cobb Cochran Coman Cook Cottrell Davis of m. De Jarnett Erwin Gann Godbold Greening Hammond Jones of b. Jones of C. Lee Martin of P. May McAlpin McClellan McCord McLemore Morris Oliver Owen Payne Perryman Phillips Porter Rawls Rogers Ross Scott of m. Shields Simmons of L. Skinner Slaughter Smith of D. Spencer Stephenson Tarrant Toulmin Weissinger Williams of T. and Womack of the House of Representatives—80.

Those who voted for mr Lacy are, messrs Arnold Crabb Devereaux Elmore Farrar Hill Hudson Lee Mays Musgrove Simmons Wallace and Watrous of the Senate; messrs Address Ashurst Baker Bestor Blake Burt Calhoun Cane Cobb Cook Cottrell Davis of B. Godbold Greening Hammond Jones of B. King Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Parker Perryman Phillips Porter Prim Puckett Ross Skinner Slaughter Stephenson Tarrant Tiffin Vining Warren Weissinger Williams of T. and Wright of the House of Representatives—57.

Those who voted for mr Lewin are messrs Arnold Crabb Devereaux Elmore Farrar Henderson Hill Hudson Mays Moore Rains Rather Riddle Roberts Simmons Smith Terry Wallace and Wilson of the Senate; messrs Speaker Address Baker Bates Bestor Blake Booker Brashier Brevard Burt Carney Clough Cochran Coman Davis of B. Davis of m. Erwin Godbold Greening Hammond High Johnson Jones of C. Lee Lucas Martin of P. McAlpin McClannahan of m. McClellan Oliver Owen Parker Perryman Porter Priest Puckett Rawls Rodgers Ross Sheffield Simmons of L. Simonton Skinner Slaughter Stephenson Taylor Tiffin Toulmin Warren Weissinger Williams of T. Womack and Wright of the House of Representatives—72.

Those who voted for mr Marast are messrs Crabb Devereaux Elmore Fleming Henderson

Hudson Lee Mays Posey Rains Rather Riddle Roberts Simmons Terry Wallace and Watrous of the Senate; messrs Speaker Alston Address Baker Bates Beauchamp Bestor Brevard Burt Calhoun Carney Clough Cobb Coman Cook Cottrell Davis of m. Erwin Finley Godbold Greening High Lee Martin of P. May McAlpin McClannahan of S. McCord McLemore Nelson Oliver Owen Payne Phillips Porter Priest Puckett Rodgers Ross Scott of m. Sheffield Shields Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Warren Weissinger Williams of T. and Wright of the House of Representatives--70.

Those who voted for mr Mitchell, are messrs Arnold Hill Moore Musgrove Posey Wellborn and Watrous, of the Senate. messrs Alston Beauchamp Brashier Cane Davis of B. DeJarnett Erwin Gann Godbold Hammond Lucas May Oliver Parker Porter Rawls Sheffield Shields Skinner Smith of m. Spencer Taylor Tiffin Toulmin and Wilson, of the House of representatives, 32.

Those who voted for mr Owen, are messrs Crabb Hill Hudson Lee Posey Rains Rather Riddle Roberts Simmons Smith Wallace Watrous Wellborn and Wilson, of the Senate. messrs Speaker Alston Address Baker Bates Beauchamp Bestor Booker Burt Calhoun Cane Carney Clifton Clough Cobb Cook Coman Davis of B. Erwin Godbold Greening Johnson King Lee Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Nelson Oliver Owen Parker Perryman Porter Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of m. Shields Simonton Skinner Slaughter Smith of m. Tarrant Toulmin Vining Warren Weissinger Williams of T. Womack and Wright, of the House of representatives, 73.

Those who voted for mr Ramsay, are messrs President Crabb Frazier Hudson Mays Rains Rather Riddle Roberts Smith Simmons Willborn and Wilson, of the Senate. messrs Alston Ashurst Beauchamp Bestor Booker Boston Brevard Calhoun Carney Clough Cochran Coman Cross DeJarnett Erwin Finley Godbold Greening High Jones of C. Lee McAlpin McCord Nelson Owen Payne Perryman Phillips Prim Puckett Rawls Ross Scott of J. Scott of m. Shields Simmons of L. Simonton Slaughter Stephenson Warren Williams of T. Wilson and Wright, of the House of Representatives, 57.

Those who voted for mr Smith, are messrs Crabb Devereaux Fleming Goyne Hudson Lee Posey Rather Riddle Simmons Wallace and Willborn, of the Senate. messrs. Alston Address Baker Burt Calhoun Carney Clifton Cook Cottrell Cross Davis of B. DeJarnett Erwin High Jones of B. Jones of C. King Lucas Martin of P. McAlpin McClannahan of S. McCord Nelson Oliver Payne Perryman Phillips Porter Priest Prim Puckett Ross Scott of J. Scott of m. Sheffield Simonton Slaughter Smith of m. Spencer Stephenson Tarrant Vining Warren Weissinger Williams of T. Wilson and Womack, of the House of Representatives, 60.

Those who voted for mr Thomason, are messrs Farrar Lee and Posey of the Senate. messrs Alston Alston Address Baker Booker Boston Burt Carmack Clifton Cobb Cross Greening Hammond May of B. McClannahan of S. McClellan Nelson Phillips Simmons of L. and Smith of D. of the House of Representatives, 23.

Those who voted for mr Vanhouse, are messrs Henderson of the Senate. messrs Brashier Cane Gann of the House of Representatives, 4.

Those who voted for mr White, are messrs Devereaux Farrar Fleming Goyne Henderson Lee Mays Posey Rains Riddle Roberts Simmons Terry Wallace Watrous and Wellborn, of the Senate. messrs Speaker Alston Address Ashurst Baker Bates Bestor Boston Brashier Brevard Burt Calhoun Cane Carney Clifton Clough Cobb Cochran Cook Cottrell DeJarnett Erwin Finley Greening High Jones of C. King Lee McAlpin McCord McLemore Oliver Owen Payne Perryman Phillips Porter Priest Puckett Rawls Ross Scott of m. Shields Simonton Skinner Stephenson Tiffin Weissinger and Womack, of the House of Representatives, 67.

Those who voted for mr Webster, are messrs President Hill Moore Musgrove and Terry of the Senate. messrs Aldridge Bestor Blake Brashier Brevard Carmack Cochran Cross Hammond Jones of B. King Lucas Martin of P. May McAlpin McCord Nelson Porter Simonton Smith of m. Spencer Taylor Tiffin Vining, of the House of Representatives, 27.

Those who voted for mr Whitney, are messrs Frazier Goyne Musgrove and Rather of the Senate. messrs Aldridge Bates Beauchamp Blake Boston Brevard Burt Cane Carmack Clifton Clough Cobb Cross Davis of B. DeJarnett Finley Gann Godbold Johnson Jones of B. King Lucas McClannahan of m. McClellan Morris Oliver Priest Prim Puckett Sheffield Slaughter Smith of D. Stephenson Taylor Tiffin Toulmin Warren Wilson and Wright, of the House of representatives, 44.

Those who voted for mr Wilson, are messrs President Arnold Crabb Elmore Farrar Fleming Finley Goyne Henderson Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Wallace Wellborne and Wilson, of the Senate. messrs Aldridge Alston Address Ashurst Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Cane Carmack Carney Clifton Clough Cochran Coman Cross Davis of B. Davis of m. Erwin Finley Gann Godbold Greening Hammond Johnson Jones of B. Jones of C. Lucas Martin of m. Martin of p. May McClannahan of M. McLemore Morris Oliver Owen Parker Perryman Priest Puckett Rawls Rogers Scott of J. Shields Simmons of L. Slaughter Skinner Smith of D. Smith of m. Spencer Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives, 93.

Those who voted for mr Williams, are messrs Arnold Crabb Devereaux Farrar Henderson Lee Mays Watrous of the Senate. messrs Aldridge Address Ashurst Bates Blake Boston Brevard Calhoun Carmack Clifton Clough Cobb Cook De Jarnett Finley Gann Hammond Johnson Jones of B. King

McClannahan of **M. McClannahan** of **S. McClellan** **McCord** **Morris** **priest** **Prim** **Scott** of **J. Sheffield** **Simmons** of **L. Simonton** **Smith** of **D. Spencer** **Tarrant** **Tiffin** **Vining** and **Wilson**, of the House of Representatives, 46.

Messrs **John Cantley**, **Robert Caruthers**, **M. Cook**, **S. G. Frierson** **James Hogan**, **robt Jemison**, **Chas. Edwin**, **John Marast**, **John Owen**, **Thos A. Smith**, **Joel White**, and **James C. Wilson**, having received a majority of all the votes given, **Mr Speaker** declared them duly and constitutionally elected **Directors** of the bank of the State of Alabama at Tuscaloosa.

The two Houses then proceeded to the election of a president for the branch of the bank of the State of Alabama at Decatur, **H. Green** and **Hugh McVay**, being in nomination.

Those who voted for **Mr Green**, are **messrs** **President** **Devereaux** **Elmore** **Fleming** **Frazier** **Hudson** **Mays** **Musgrove** **rains** **rather** **riddle** **roberts** **Simmons** **Terry** and **Wallace**, of the Senate. **messrs** **Speaker** **Andress** **Ashurst** **baker** **bates** **nestor** **booker** **Brevard** **Calhoun** **Coman** **Cook** **Cottrell** **Cross** **Davis** of **B. Davis** of **M. Erwin** **Finley** **Godbold** **High** **Johnson** **King** **Lee** **Martin** of **p. May** **McAlpin** **McClannahan** of **m. McClellan** **McCord** **McLemore** **Morris** **Nelson** **Oliver** **Payne** **Phillips** **Porter** **priest** **Prim** **Puckett** **Rogers** **Ross** **Scott** of **J. Scott** of **m. Skinner** **Slaughter** **Smith** of **D. Stephenson** **Vining** **Weissinger** **Williams** of **T. Wilson** **Womack** and **Wright**, of the House of representatives, 65.

Those who voted for **Mr McVay**, are **messrs** **Crabb** **Farrar** **Henderson** **Hill** **Moore** **posey** and **Wilson** of the Senate. **messrs** **Aldridge** **Beauchamp** **Blake** **Boston** **brashier** **Carmack** **Clifton** **Cobb** **Hammond** **Jones** of **c. McClannahan** of **s. Rawls** **Sheffield** **Simmons** of **L. Smith** of **m. Tarrant** **Taylor** and **Toulmin**, of the House of representatives, 25.

Mr Green having received a majority of all the votes given, **Mr Speaker** declared him duly and constitutionally elected **President** of the branch of the bank of the State of Alabama at Decatur.

The two Houses then proceeded to the election of fourteen **Directors** of the branch of the bank of the State of Alabama at Decatur.—**messrs** **Samuel Baker**, **John Berry**, **H. A. Bragg**, **G. W. Carroll**, **John Coffee**, **James Fennell**, **J. W. Garth**, **W. N. Gillespie**, **M. D. Hampton**, **M. C. Houston**, **J. K. Hudson**, **S. Holt**, **James Erwin**, **J. C. Johnson**, **Jas. E. Jones**, **T. Jones**, **Wm Little**, **S. C. Newman**, **J. T. Sykes**, **Jos. Stout**, **E. B. Westmoreland**, **William Sanders** and **Samuel Tanner**, being in nomination.

Those who voted for **Mr Baker**, are **messrs** **Crabb** **Devereaux** **Fleming** **Frazier** **Goyne** **Henderson** **Hill** **Lee** **Mays** **Moore** **Rains** **Riddle** **Roberts** **Wallace** **Wellborn** and **Wilson**, of the Senate. **messrs** **Speaker** **Aldridge** **Andress** **Ashurst** **Bates** **Beauchamp** **Bester** **Brevard** **Burt** **Calhoun** **Cane** **Cobb** **Cook** **Cottrell** **Davis** of **B. Davis** of **m. De Jarnett** **Erwin** **Greening** **Hammond** **Lucas** **McAlpin** **McClannahan** of **m. McClannahan** of **s. McCord** **McLemore** **Morris** **Perryman** **Priest** **Prim** **Puckett** **Scott** of **m. Sheffield** **Smith** of **m. Stephenson** **Tiffin** **Vining** **Warren** **Weissinger** **Williams** of **T. and Wright**, of the House of Representatives, 57.

Those who voted for **Mr Berry**, are **messrs** **President** **Arnold** **Crabb** **Elmore** **Farrar** **Fleming** **Frazier** **Goyne** **Henderson** **Hill** **Hudson** **Lee** **Mays** **Moore** **Musgrove** **Posey** **Rains** **rather** **Roberts** **Simmons** **Smith** **Terry** **Wallace** **Watrous** **Wellborn** and **Wilson**, of the Senate. **messrs** **Aldridge** **Ashurst** **baker** **Bates** **Beauchamp** **Bester** **Blake** **Booker** **Boston** **brashier** **Brevard** **Burt** **Calhoun** **Cane** **Carmack** **Clifton** **Cobb** **Cochran** **Coman** **Cook** **Cottrell** **Cross** **Davis** of **B. Davis** of **m. De Jarnett** **Erwin** **Finley** **Godbold** **Greening** **Hammond** **High** **Johnson** **Jones** of **B. King** **Lucas** **Martin** of **B. May** **McAlpin** **McClannahan** of **m. McCord** **McLemore** **Morris** **Nelson** **Oliver** **Payne** **Perryman** **Phillips** **Priest** **Prim** **Puckett** **Rawls** **Rodgers** **Ross** **Scott** of **J. Scott** of **m. Sheffield** **Shields** **Simmons** of **L. Simonton** **Skinner** **Slaughter** **Smith** of **D. Smith** of **m. Stephenson** **Tarrant** **Taylor** **Tiffin** **Toulmin** **Vining** **Warren** **Weissinger** **Williams** of **T. Wilson** and **Wright**, of the House of representatives, 91.

Those who voted for **Mr Bragg**, are **messrs** **President** **Devereaux** **Farrar** **Fleming** **Frazier** **Goyne** **Henderson** **Hill** **Hudson** **Lee** **Mays** **Moore** **Musgrove** **Posey** **Rains** **rather** **Riddle** **Roberts** **Simmons** **Smith** **Terry** **Wallace** **Watrous** **Wellborn** and **Wilson**, of the Senate. **messrs** **Speaker** **Andress** **Ashurst** **baker** **Bates** **Beauchamp** **Booker** **Brashier** **Brevard** **Burt** **Calhoun** **Carmack** **Cobb** **Cochran** **Coman** **Cook** **Cottrell** **Cross** **Davis** of **B. Davis** of **m. Hammond** **Johnson** **Jones** of **B. King** **McClannahan** of **m. McClannahan** of **s. McCord** **Nelson** **Oliver** **Payne** **Priest** **Prim** **Puckett** **Rawls** **Rodgers** **Ross** **Scott** of **J. Scott** of **m. Sheffield** **Shields** **Simmons** of **L. Skinner** **Slaughter** **Smith** of **D. Stephenson** **Toulmin** **Vining** **Warren** **Weissinger** and **Wright**, of the House of representatives, 66.

Those who voted for **Mr Carroll**, are **messrs** **President** **Arnold** **Crabb** **Devereaux** **Elmore** **Farrar** **Fleming** **Frazier** **Goyne** **Henderson** **Hill** **Hudson** **Lee** **Mays** **Moore** **Musgrove** **Posey** **Rains** **rather** **Riddle** **Roberts** **Simmons** **Smith** **Terry** **Wallace** **Watrous** **Wellborn** and **Wilson**, of the Senate. **messrs** **Speaker** **Andress** **Ashurst** **baker** **Bates** **Beauchamp** **Booker** **Brashier** **Brevard** **Burt** **Calhoun** **Carmack** **Cobb** **Cochran** **Coman** **Cook** **Cottrell** **Cross** **Davis** of **B. Davis** of **m. De Jarnett** **Erwin** **Finley** **Godbold** **Greening** **High** **Jones** of **B. King** **Lucas** **Martin** of **B. Martin** of **p. May** **McAlpin** **McClannahan** of **m. McClannahan** of **s. McClellan** **McLemore** **Morris** **Nelson** **Oliver** **Owen** **Payne** **Perryman** **Phillips** **Priest** **Puckett** **Rawls** **Rodgers** **Ross** **Scott** of **J. Sheffield** **Shields** **Simmons** of **L. Simonton** **Skinner** **Smith** of **D. Smith** of **m. Stephenson** **Tarrant** **Taylor** **Tiffin** **Toulmin** **Vining** **Warren** **Weissinger** **Williams** of **T. and Wilson**, of the House of representatives, 92.

Those who voted for **Mr Coffee**, are **messrs** **Arnold** **Elmore** **Farrar** **Fleming** **Frazier** **Goyne** **Henderson**

Hill Lee Moore Musgrove Posey Roberts Smith Terry Wallace and Wellborn, of the Senate. Messrs Aldridge Ashurst Beauchamp Bester Blake Booker Boston Brashier Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. De Jarnett Finley Godbold Greening High Johnson Jones of B. King Lucas Martin of B. Martin of P. May McAlpin McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Phillips Priest Prim Rawls Ross Scott of J. Scott of M. Simmons of L. Simonton Skinner Smith of D. Smith of M. Stephenson Tarrant Taylor Tiffin Toulmin Warren Weissinger Williams of T. Wilson and Wright, of the House of Representatives, 79.

Those who voted for Mr Fennel are, Messrs President Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hudson Mays Moore Musgrove Rains Rather Riddle Roberts Simmons Watrous and Wellborn, of the Senate: Messrs Speaker Aldridge Ashurst Baker Beauchamp Bester Brevard Burt Calhoun Cochran Coman Davis of B. Davis of M. Erwin Finley Greening Hammond High Lucas Martin of P. May McAlpin McClannahan of M. McClannahan of S. McCord McLemore Nelson Owen Payne Phillips Prim Rogers Scott of J. Scott of M. Shields Slaughter Toulmin Vining Warren Weissinger Williams of T. and Wilson, of the House of Representatives—62.

Those who voted for Mr Garth are, Messrs President Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hudson Mays Moore Musgrove Rains Rather Riddle Roberts Simmons Watrous and Wellborn, of the Senate: Messrs Speaker Aldridge Ashurst Baker Beauchamp Bester Brevard Burt Calhoun Carmack Cochran DeJarnett Finley Godbold Hammond McClannahan of M. McClannahan of S. McClellan McCord McLemore Nelson Owen Payne Phillips Prim Perryman Priest Ross Shields Slaughter Smith of M. Stephenson Tarrant Taylor Vining and Williams of T., of the House of Representatives—40.

Those who voted for Mr Gillespie are, Messrs Devereaux Fleming Frazier Goynes Hudson Mays Rather Riddle and Simmons of the Senate: Messrs Aldridge Beauchamp Blake Boston Brevard Cross Davis of B. Davis of M. DeJarnett Erwin High McAlpin McClannahan of M. Owen Payne P. Sheffield Simmons of L. Slaughter Tarrant Warren and Williams of T., of the House of Representatives—32.

Those who voted for Mr Hampton are, Messrs Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Goynes Hill Hudson Lee Mays Moore Musgrove Posey Rains Riddle Roberts Simmons Smith Terry Wallace Watrous and Wilson, of the Senate: Messrs Speaker Ashurst Baker Beauchamp Bester Burt Calhoun Cane Carmack Cobb Cochran Coman Cook Cottrell Cross Davis of M. DeJarnett Erwin Finley Greening Hammond High King Lucas Martin of B. Martin of P. May McAlpin McClannahan of S. McClellan McCord Morris Nelson Oliver Owen Payne Perryman Phillips Priest Prim Puckett Rawls Rogers Scott of J. Scott of M. Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Vining Weissinger Williams and Wright, of the House of Representatives—58.

Those who voted for Mr Houseton, are, Messrs President Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Lea Mays Moore Musgrove Rains Rather Riddle Roberts Simmons Wallace Watrous Wellborn and Wilson, of the Senate: Messrs Speaker Aldridge Address Ashurst Baker Bates Beauchamp Bester Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of M. Erwin Finley Godbold Greening High Jones of B. Lucas Martin of B. Martin of P. May McAlpin McClannahan of M. McClannahan of S. McClellan McCord Morris Oliver Owen Payne Perryman Phillips Priest Puckett Rawls Rogers Ross Scott of J. Scott of M. Sheffield Simonton Smith of L. Simonton Slaughter Smith of M. Stephenson Tarrant Taylor Toulmin Vining Weissinger Williams and Wright, of the House of Representatives—34.

Those who voted for Mr Hudson, are, Messrs President Arnold Devereaux Elmore Farrar Frazier Goynes Henderson Hill Hudson Lea Moore Musgrove Rains Rather Simmons Smith Terry Wallace Watrous and Wellborn, of the Senate: Messrs Aldridge Address Baker Bates Beauchamp Bester Blake Booker Boston Brashier Brevard Burt Calhoun Clifton Cobb Cross Finley Godbold Hammond High Johnson Jones of B. King Lucas Martin of B. Martin of P. McClannahan of S. McLemore Morris Nelson Perryman Phillips Priest Prim Rogers Ross Sheffield Shields Simmons of L. Skinner Slaughter Smith of D. Smith of M. Stephenson Tarrant Taylor Tiffin Toulmin Warren Williams of T. Wilson and Wright, of the House of Representatives—69.

Those who voted for Mr Holt, are, Messrs Crabb Devereaux Elmore Farrar Fleming Henderson Hill Lee Musgrove Posey Rains Rather Simmons Smith Terry Wallace Watrous and Wilson of the Senate: Messrs Address Ashurst Baker Bates Blake Brevard Calhoun Cane Carmack Clifton Davis of B. Godbold Greening High Johnson Jones of B. King Martin of B. Martin of P. McClannahan of M. McClannahan of S. McLemore Morris Nelson Perryman Phillips Priest Prim Puckett Rawls Rogers Scott of J. Scott of M. Shields Simmons of L. Simonton Skinner Smith of D. Smith of M. Stephenson Taylor Tiffin Toulmin Warren Williams of T. Wilson and Wright, of the House of Representatives—64.

Those who voted for Mr Irvin, are Messrs. Crabb Fleming Frazier Henderson Hudson Riddle Wallace and Wilson of the Senate: Messrs Speaker Bester Blake Boston Burt Erwin Martin of P. and Simmons of L. of the House of Representatives—16.

Those who voted for Mr Johnson, are, Messrs Arnold Devereaux Elmore Farrar Frazier Goynes Henderson Hill Lea Moore Musgrove Posey Rains Roberts Smith Terry Wellborn and Wilson, of the Senate: Messrs Speaker Aldridge Address Baker Bates Beauchamp Bester Booker Boston Brashier Burt Cane Carmack Clifton Cobb Cochran Coman Cottrell Cross Davis of M. DeJarnett Finley Godbold Greening Hammond High Johnson Jones of B. King Lucas Martin of B. May McClannahan of M. McLemore Morris Nelson Oliver Owen Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of M. Shields Simonton Skinner Smith of D. Smith of M. Stephenson Tarrant Taylor Tiffin Toulmin Warren Warren Weissinger Williams of T. Wilson and Wright, of the House of Representatives—31.

Those who voted for Mr James E. Jones, are, Messrs President Crabb Devereaux Elmore Farrar Frazier Goynes Hudson Lea Mays Rains Riddle Roberts Simmons Smith Terry Wallace and Wilson of the Senate: Messrs Speaker Ashurst Baker Bates Bester Booker Boston Brashier Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. DeJarnett Erwin Greening Godbold High Johnson Jones of B. King Lucas Martin of B. Martin of P. May McAlpin McClannahan

McCord **McLemore** **Morris** **Nelson** **Payne** **Perryman** **Phillips** **Puckett** **Rawls** **Rogers** **Ross** **Scott** of m. **Shields** **Simmons** of L. **Simonton** **Skinner** **Slaughter** **Stephenson** **Tarrant** **Tiffin** **Toulmin** **Vining** **Warren** **Weissinger** and **Wilson**, of the House of Representatives—76.

Those who voted for Mr Jones, are messrs President **Arnold** **Devereaux** **Fleming** **Hill** **Lee** **Moore** **Rains** **Rather** **Riddle** and **Watrous**, of the Senate: messrs **Aldridge** **Bates** **Blake** **Cane** **Davis** of B. **Davis** of m. **Greening** **Hammond** **Johnson** **McClannahan** of m. **Owen** **Payne** **Perryman** **Puckett** **Sheffield** **Slaughter** and **Smith** of D. of the House of Representatives—28.

Those who voted for Mr Little, are, messrs President **Arnold** **Crabb** **Elmore** **Farrar** **Frazier** **Goyne** **Henderson** **Hudson** **Moore** **Musgrove** **Posey** **Rather** **Riddle** **Roberts** **Simmons** **Smith** **Terry** **Watrous** and **Wellborn**, of the Senate: messrs **Speaker** **Aldridge** **Address** **Ashurst** **Bates** **Beauchamp** **Bestor** **Blake** **Booker** **Boston** **Brashier** **Brevard** **Burt** **Cane** **Carmack** **Clifton** **Cobb** **Cochran** **Cook** **Cottrell** **Cross** **Davis** of m. **DeJarnett** **Finley** **Godbold** **Hammond** **Johnson** **Jones** of B. **King** **Martin** of B. **Martin** of P. **May** **McAlpin** **McClannahan** of S. **McClellan** **Morris** **Nelson** **Oliver** **Owen** **Payne** **Phillips** **Prim** **Puckett** **Rawls** **Rogers** **Scott** of m. **Sheffield** **Simmons** of L. **Simonton** **Skinner** **Smith** of D. **Smith** of m. **Stephenson** **Tarrant** **Taylor** **Tiffin** **Toulmin** **Warren** and **Williams** of T., of the House of Representatives—80.

Those who voted for Mr Newman, are, messrs **Arnold** **Elmore** **Musgrove** **Posey** and **Watrous** of the Senate: messrs **Aldridge** **Address** **Ashurst** **Beauchamp** **Blake** **Booker** **Boston** **Brashier** **Burt** **Cane** **Carmack** **Clifton** **Cobb** **Cochran** **Coman** **Cross** **Davis** of B. **Davis** of m. **DeJarnett** **Erwin** **Finley** **Godbold** **Greening** **Hammond** **Johnson** **Jones** of B. **King** **Lucas** **Martin** of B. **Martin** of P. **May** **McClannahan** of S. **McClellan** **McCord** **McLemore** **Morris** **Nelson** **Oliver** **Owen** **Phillips** **Prim** **Puckett** **Ross** **Scott** of J. **Scott** of m. **Sheffield** **Simonton** **Skinner** **Slaughter** **Smith** of D. **Smith** of m. **Stephenson** **Tarrant** **Tiffin** **Warren** **Williams** T. and **Wright**, of the House of Representatives—61.

Those who voted for Mr Sykes, are, messrs President **Arnold** **Crabb** **Devereaux** **Elmore** **Farrar** **Fleming** **Hudson** **Lee** **Mays** **Moore** **Musgrove** **Rains** **Rather** **Riddle** **Roberts** **Simmons** **Smith** **Terry** **Wallace** **Watrous** and **Wellborn**, of the Senate: messrs **Speaker** **Aldridge** **Address** **Ashurst** **Baker** **Bates** **Bester** **Booker** **Brashier** **Brevard** **Burt** **Calhoun** **Clifton** **Cobb** **Cochran** **Coman** **Cook** **Cottrell** **Cross** **Davis** of B. **Davis** of m. **Erwin** **Finley** **Godbold** **High** **Johnson** **Jones** of B. **Lucas** **Martin** of B. **Martin** of P. **McAlpin** **McClellan** **McCord** **McLemore** **Nelson** **Oliver** **Owen** **Payne** **Perryman** **Phillips** **Priest** **Prim** **Puckett** **Rawls** **Rogers** **Ross** **Scott** of J. **Scott** of m. **Shields** **Simonton** **Skinner** **Slaughter** **Smith** of D. **Smith** of m. **Tarrant** **Taylor** **Toulmin** **Vining** **Weissingers** **Williams** of T. **Wilson** and **Wright** of the House of Representatives—83.

Those who voted for Mr Stout, are, messrs President **Arnold** **Elmore** **Goyne** **Hill** **Lee** **Mays** **Musgrove** **Posey** **Rather** **Riddle** **Watrous** and **Wilson**, of the Senate: messrs **Aldridge** **Address** **Beauchamp** **Cane** **Clifton** **Coman** **Cook** **Davis** of m. **Erwin** **Greening** **Johnson** **May** **McClannahan** of m. **McCord** **Owen** **Payne** **Perryman** **Puckett** **Slaughter** and **Tarrant**, of the House of Representatives—33.

Those who voted for Mr Westmoreland, are, messrs **Farrar** **Goyne** **Posey** **Terry** **Wellborn** and **Wilson** of the Senate: messrs **Address** **Baker** **Bates** **Blake** **Booker** **Boston** **Brashier** **Brevard** **Cane** **Carmack** **Clifton** **Cook** **Cottrell** **Cross** **DeJarnett** **Finley** **Godbold** **Jones** of B. **King** **McAlpin** **McClannahan** of m. **McClellan** **McCord** **McLemore** **Morris** **Owen** **Prim** **Rawls** **Rogers** **Ross** **Scott** of J. **Scott** of m. **Shields** **Simonton** **Skinner** **Slaughter** **Smith** of D. **Taylor** **Toulmin** **Warren** **Weissinger** **Williams** of T. **Wilson** and **Wright**, of the House of Representatives—50.

Those who voted for Mr Saunders, are, messrs President **Arnold** **Crabb** **Farrar** **Fleming** **Frazier** **Goyne** **Henderson** **Hill** **Hudson** **Mays** **Moore** **Posey** **Rather** **Roberts** **Smith** **Terry** **Wallace** **Wellborn** and **Wilson** of the Senate: messrs **Speaker** **Aldridge** **Address** **Ashurst** **Baker** **Bates** **Bester** **Booker** **Boston** **Brevard** **Burt** **Calhoun** **Carmack** **Clifton** **Cobb** **Cochran** **Coman** **Cook** **Cottrell** **Cross** **Davis** of B. **DeJarnett** **Erwin** **Godbold** **Hammond** **High** **Johnson** **Jones** of B. **King** **Lucas** **Martin** of B. **Martin** of P. **May** **McAlpin** **McClannahan** of m. **McClellan** **McCord** **McLemore** **Nelson** **Oliver** **Owen** **Payne** **Perryman** **Phillips** **Priest** **Rawls** **Ross** **Scott** of J. **Scott** of m. **Shields** **Simmons** of L. **Simonton** **Slaughter** **Smith** of m. **Taylor** **Tiffin** **Toulmin** **Vining** **Weissinger** **Wilson** and **Wright**, of the House of Representatives—82.

Those who voted for Mr Tanner, are, messrs President **Arnold** **Crabb** **Farrar** **Fleming** **Frazier** **Goyne** **Henderson** **Hill** **Hudson** **Mays** **Musgrove** **Roberts** **Smith** **Terry** **Wallace** **Watrous** **Wellborn** and **Wilson** of the Senate: messrs **Speaker** **Address** **Ashurst** **Baker** **Bater** **Beauchamp** **Bester** **Blake** **Booker** **Brashier** **Brevard** **Burt** **Calhoun** **Cane** **Cobb** **Cochran** **Coman** **Cook** **Cottrell** **Cross** **Davis** of B. **Davis** of m. **DeJarnett** **Erwin** **Finley** **Godbold** **Greening** **Hammond** **High** **Johnson** **King** **Lucas** **Martin** of B. **Martin** of P. **May** **McAlpin** **McClannahan** of m. **McClellan** **McCord** **McLemore** **Morris** **Nelson** **Oliver** **Owen** **Payne** **Perryman** **Phillips** **Prim** **Rawls** **Rogers** **Ross** **Scott** of J. **Scott** of m. **Shields** **Simmons** of L. **Simonton** **Skinner** **Smith** of D. **Smith** of m. **Taylor** **Tiffin** **Vining** **Weissinger** **Wilson** and **Wright**, of the House of Representatives—85.

Messrs **John Berry**, **A. H. Bragg**, **G. M. Carroll**, **John Coffee**, **M. D. Hampton**, **H. C. Houston**, **J. R. Hudson**, **L. Holt**, **J. C. Johnson**, **James C. Jones**, **William Little**, **J. T. Sykes**, **William Sanders** and **Samuel Tanner**, having each received a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected, directors for the Branch of the Bank of the State of Alabama at Decatur. The Senate then withdrew.

Mr Shields moved a call of the House; which was lost.

The House then resumed the consideration of the bill from the Senate entitled an act to authorize the persons therein named to raise a loan in behalf of the State of Alabama, of two million five hundred thousand dollars. Mr Hammond moved to postpone the further consideration of the bill until Monday next; which was lost.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Aldridge Hale Booker Boston Carmack Cobb Coman Cross Finley Hammond King Scott of J. Simmons of L. Smith of D. Smith of m. and Wilson.

Those who voted in the negative, are, messrs Speaker Address Baker Beauchamp Brashier Calhoun Cane Cochran Cook Davis of m. DeJarnett Johnson Martin of P. Martin of B. McClannahan of m. McClannahan of S. McLemore Nelson Oliver Owen Perryman Priest Prim Puckett Rogers Ross Sheffield Shields Skinner Slaughter Stephenson Toulmin and Williams of T.

The bill was then made the special order of the day for to-morrow, at the hour of ten o'clock.

Mr Rogers moved to lay the orders on the table, when the *House* adjourned till to-morrow morning 9 o'clock.

Saturday, December 23.—Mr Speaker laid before the *House*, a communication from the Bank of Mobile; which was read and ordered to lie on the table.

Leave of absence was granted by the house, to messrs Gordon, Simmons and Williams of H.

Mr Taylor called up the bill from the Senate to attach a part of Marion county to Fayette county; which was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, the bill was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

The bill entitled an act to extend and equalize the advantages of common schools in the State of Alabama, was taken up and read the second time. Mr Erwin moved to amend by inserting (after the word 'capitals' where it occurs in the 10th line of the first section) the following words 'exclusive of the three per cent fund and the revenue fund.'

Mr Lea moved to suspend the orders, for the purpose of taking up the appropriation bill; which was carried.

Mr Lea then called up the bill making appropriations for the year 1838, which was read the second time.

Mr McClellan from the committee on enrolled bills made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: An act more effectually to provide for discoveries in suits at common law; an act to authorize guardians to remove the property of their wards in certain cases; an act to amend the laws now in force, in relation to retailers of spirituous liquors; an act to incorporate the Monroe company of volunteer riflemen, in the county of Monroe; an act to allow additional compensation to constables for collecting money on executions, in the county of Tallapoosa; joint resolutions in relation to the annexation of part of West Florida to the State of Alabama; an act to increase the revenue fund; an act for the relief of Barbara Hazle and Nancy McCain.

The bill making appropriations for the year 1838, being under consideration the *House* suspended the constitutional rule which requires bills should be read on three several days, and the bill was taken as engrossed and read a third time forthwith. Mr May moved to amend by an additional section, appropriating an amount to Ferguson & Eaton, State Printers. Mr DeJarnett moved to lay the amendment on the table; which was carried. Mr Erwin moved to amend by an additional section; which was carried. Mr Toulmin moved to amend by an additional section. Mr Warren moved to lay the amendment offered by Mr Toulmin on the table; which was carried. Mr Shields moved to amend by an additional section, appropriating an amount to D. H. Bingham for services reconnoitering McGrew's shoals. Mr Davis of B. moved to lay the amendment proposed by Mr Shields on the table; which was carried. Mr May moved to amend by an additional section, appropriating an amount to Meek & McGuire. Mr

Chief moved to lay the proposed amendment of Mr May on the table. Mr Jones moved the previous question, in which he was sustained by the House. Yeas 42, Nays 26.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Aldridge Alston Address Baker Blake Booker Easton Brashier Calhoun Cane Clifton Coman Cook Cross Davis of B. Finley Greening Hammond Johnson Jones of B. Jones of C. King Lee Lucas McClannahan of m. McClellan Parker Payne Perryman Phillips Priest Puckett Scott of J. Sheffield Shields Simmons of L. Slaughter Stephenson Taylor Tiffin Womack and Wright.

Those who voted in the negative are, messrs Speaker Bates Beauchamp Bester Brevard Davis of m. DeJarnett Erwin Martin of B. May McAlpin McClannahan of S. McCord Morris Nelsen Oliver Owen Porter Prim Simonton Smith of m. Tarrant Toulmin Vining Warren and Williams of T.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill from the House of Representatives entitled an act to incorporate the Alabama lever press and insurance company.

On motion of Mr McClung, (Mr Calhoun in the Chair,) *Resolved*, that the two Houses will, with the concurrence of the Senate, assemble in the Hall of the House of Representatives, on this day at 11 o'clock, A. M. for the purpose of electing a president and fourteen directors, for the Branch of the Bank of the State of Alabama at Huntsville. Ordered, that the resolution be sent to the Senate for their concurrence.

Mr Shields from the select committee to whom was referred the bill from the Senate, to establish a tenth judicial circuit, reported the same without amendment and asked to be discharged from the further consideration thereof; in which report the House concurred.

Mr Lea called up the bill entitled an act making appropriation for the payment of the members and officers of the present General Assembly; which was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, it was taken as engrossed, read a third time forthwith, and passed. Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The House resumed the consideration of the bill entitled an act to extend and equalize the advantages of common schools, in the State of Alabama. Mr Shields moved to lay the bill on the table; which was carried.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Alston Address Bates Beauchamp Blake Calhoun Cane Carmack Clifton Coman Cook Davis of B. DeJarnett Erwin Horton Johnson Jones of C. Lee McAlpin McCord Morris Owen Payne Perryman Phillips Prim Sheffield Shields Simmons of L. Smith of m. Vining Weissinger and Womack.

Those who voted in the negative, are, messrs Aldridge Bester Booker Boston Brevard Clough Cochran Cross Davis of m. Finley Golbold Hammond Martin of B. May McClannahan of m. McClellan Nelson Porter Puckett Ross Skinner Slaughter Smith of D. Tarrant Taylor Toulmin Williams of T. and Wilson.

Message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have passed a bill from the House of Representatives of the following title, viz: An act to provide for taking the census of 1838.

Mr McClellan from the committee on enrolled bills, reported that they had examined and find correctly enrolled bills of the following titles, to wit: An act to incorporate the Oak Bowery academy; an act to raise a revenue for the county of Baldwin; an act in relation to the county court of Mobile; an act to incorporate the Good hope male and female academy, in the county of Russell; an act making appropriations for the payment of claims against the State; an act to compensate certain persons for services rendered the State, and for other purposes; an act to establish a public road from Basshams Gap, in Morgan county, to the dividing line between Tuscaloosa and Walker counties, by the way of Jasper and James McCain's in Walker county; joint memorial to the Congress of the United States, asking remuneration for those individuals who have sustained losses in consequence of the late war with the Creek Indians; an act to discontinue and establish certain election precincts; an act to incorporate the Mobile Aqueduct company; an act to explain and amend the law in relation to attachments.

Message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate concur in the resolution of the House of Representatives, proposing to elect a president and directors for the Huntsville Bank. They also recede from their amendments to the bill from the House of Representatives, entitled an act for the inspection of cotton, as disagreed to by the House of Representatives.

The House having under consideration the bill from the Senate to create a tenth judicial circuit. Mr Calhoun moved to lay the bill on the table.

On motion of Mr Vining, *Resolved*, That the Senate be now invited to assemble in the Hall of the House of Representatives, to elect a president and fourteen directors, for the Branch of the Bank of the State of Alabama at Huntsville.

The Senate then assembled in the Hall of the House of Representatives and were seated. The two houses then proceeded to elect a president for the Branch of the Bank of the State of Alabama at Huntsville, B. M. Lowe, alone being in nomination.

Those who voted for Mr Lowe are, messrs. President Arnold Crabb Devereaux Fleming Frazier Henderson Hudson Lee Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Terry Wallace & Watrous of the Senate; messrs. Speaker Aldridge Address Baker Bates Beauchamp Bestor Blake Booker Boston Brevard Calhoun Carmack Clifton Coman Cook Davis of m. Erwin Finley Godbold Hammond Johnson Jones of B. Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord Morris Nelson Owen Parker Payne Phillips Porter Prim Ross Scott of J. Sheffield Shields Simmons of L. Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Toulmin Vining Weissinger Williams of T. Wilson and Womack of the House of Representatives—78.

Mr B. M. Lowe having received all the votes given, Mr Speaker declared him duly and constitutionally elected president of the Branch of the Bank of the State of Alabama at Huntsville.

The two Houses then proceeded to elect fourteen directors for the Branch of the Bank of the State of Alabama at Huntsville—messrs E. L. Andrews, Thomas Brandon, John E. Chambers, William Dewoody, R. R. Drake, S. S. Ewing, George E. Garrett, George W. Hall, James R. Murry, S. C. Newman, B. Patterson, E. W. Parker Robert M. Patton, V. G. Pratt, Joseph Rice, J. Taylor P. Yeatman and Thomas M. King, being in nomination.

Those who voted for Mr Andrews are, messrs President Arnold Farrar Fleming Hill Lee Moore Musgrove Posey Roberts Smith Terry and Watrous of the Senate; messrs Speaker Aldridge Alston Address Baker Bates Bestor Booker Clifton Coman Cook Cross Davis of B. Davis of m. De Jarnett Finley Greening Hammond Horton Johnson Jones of B. Lee Martin of B. May Morris Nelson Oliver Owen Parker Payne Porter Ross Scott of J. Shields Simmons of L. Skinner Slaughter Smith of D. Smith of m. Taylor Toulmin Vining Warren Wilson and Wright of the House of Representatives—57.

Those who voted for Mr Brandon are, messrs President Arnold Farrar Fleming Hill Moore Musgrove Posey Rather Roberts Smith and Wellborn of the Senate; messrs Speaker Aldridge Baker Bates Beauchamp Booker Boston Calhoun Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. De Jarnett Finley Greening Hammond Horton Johnson Jones of B. Lee Lucas Martin of B. May Morris Nelson Oliver Owen Parker Payne Porter Ross Scott of J. Shields Simmons of L. Skinner Slaughter Smith of D. Smith of m. Taylor Toulmin Vining Warren Womack and Wright of the House of Representatives—57.

Those who voted for Mr Chambers are, messrs Arnold Devereaux Farrar Frazier Lee Moore Musgrove Rather Roberts and Simmons of the Senate; messrs Aldridge Address Baker Bates Beauchamp Booker Boston Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. De Jarnett Finley Godbold Greening Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Warren Weissinger Williams of T. Womack and Wright of the House of Representatives—73.

Those who voted for Mr Dewoody are messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Address Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. De Jarnett Finley Godbold Greening Hammond Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—89.

Those who voted for Mr Drake are messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Address Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. Davis of m. Finley Godbold Greening Hammond Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—79.

Those who voted for Mr Ewing are messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Address Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. Davis of m. Finley Godbold Greening Hammond Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Womack and Wright of the House of Representatives—85.

Those who voted for Mr Garrett are messrs Arnold Crabb Devereaux Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Alston Address Baker Bates Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clough Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Godbold Greening Hammond Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Phillips Porter Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Smith of D.

Sells of m. Tarrant Taylor Tiffin Toulmin Vining Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—84.
Those who voted for mr Hall are messrs Crabb Elmore Farrar Frazier Hudson Lee Musgrove Rather Simmons Smith and Wellborn of the Senate; messrs Aldridge Address Baker Bates Beauchamp Boston Brevard Calhoun Cane Carmack Carney Clough Coman Cottrell Cross Davis of B. Davis of m. De Jarnett Godbold Greening Hammond Johnson Jones of C. King Lee Lucas McClannahan of m. McClannahan of S. McClellan Morris Oliver Parker Perryman Prim Ross Scott of J. Sheffield Simmons of L. Skinner Slaughter Smith of D. Tarrant Taylor Tiffin Weissinger Williams of T. Wilson and Womack of the House of Representatives—59.

Those who voted for mr Murry are messrs. President Arnold Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Address Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Clough Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Greening Horton Johnson Jones of C. King Lucas Martin of B. Martin of P. McClannahan of m. McClannahan of S. McCord Nelson Oliver Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tiffin Toulmin Vining Warren Weissinger Wilson Womack and Wright of the House of Representatives—80.

Those who voted for mr Newman are, messrs. President Arnold Crabb Elmore Farrar Frazier Hill Hudson Lee Moore Posey Rather Simmons and Watrous of the Senate; messrs. Aldridge Alston Address Baker Bates Beauchamp Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Godbold Hammond Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Phillips Prim Ross Scott of J. Sheffield Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—72.

Those who voted for mr Patterson are, messrs President Arnold Crabb Devereaux Elmore Fleming Frazier Hill Hudson Lee Moore Posey Rather Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Alston Address Baker Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Coman Cook Cross Davis of B. Davis of m. De Jarnett Finley Godbold Greening Hammond Horton Johnson Jones of B. King Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Ross Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of m. Taylor Tiffin Vining Warren Weissinger Williams of T. and Wilson of the House of Representatives—81.

Those who voted for mr Parker are messrs President Crabb Devereaux Elmore Fleming Frazier Hill Hudson Moore Rather Roberts Simmons Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Address Baker Bates Bestor Booker Brevard Cane Carmack Carney Clifton Clough Cross Davis of B. Davis of m. Finley Hammond Horton Johnson Jones of C. King Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Owen Parker Payne Perryman Phillips Porter Prim Puckett Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of m. Vining Warren Williams of T. and Wilson of the House of Representatives—69.

Those who voted for mr Patton are, messrs Arnold Crabb Devereaux Elmore Farrar Frazier Hill Hudson Lee Musgrove Posey Roberts Simmons Smith Terry and Watrous of the Senate; messrs Speaker Aldridge Alston Baker Bates Beauchamp Bestor Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Davis of B. Davis of m. De Jarnett Finley Godbold Greening Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord Nelson Owen Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Simmons of L. Slaughter Skinner Smith of D. Tarrant Taylor Toulmin Warren Williams of T. Wilson Womack and Wright of the House of Representatives—77.

Those who voted for mr Pruitt are, messrs. Speaker Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Posey Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Alston Address Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Davis of m. Godbold Greening Hammond Horton Johnson Jones of B. King Lee Lucas May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simonton Skinner Smith of D. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Womack and Wright of the House of Representatives—83.

Those who voted for mr Rice are, messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Address Baker Bates Beauchamp Bestor Booker Boston Brevard Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Godbold Greening Hammond Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—95.

Those who voted for mr Taylor are messrs President Crabb Devereaux Elmore Farrar Fleming Hill Hudson Lee Moore Musgrove Posey Roberts Simmons Terry Watrous and Wellborn of the Senate; messrs Speaker Alston Address Bestor Booker Brevard Carmack Carney Clifton Cook Cottrell Davis of B. Davis of m. De Jarnett Godbold Greening Hammond Horton Jones of C. Lee Martin of B. Martin of P. May McAlpin McClannahan of S. McCord McLemore Owen Parker Payne Perryman Porter Prim Puckett Scott of J. Shields Simonton Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger and Williams of T. of the House of Representatives—63.

Those who voted for mr Yeatman are, messrs President Crabb Devereaux Elmore Fleming Hill Hudson Moore Posey Rather Simmons Smith and Wellborn of the Senate; messrs Speaker

Alston Bates Beauchamp Bestor Booker Brevard Calhoun Clifton Coman Cook Cottrell
of m. Finley Godbold Greening Hammond Horton Jones of c. martin of p. may McAlpin
lan McCord McEmore Oliver Owen Parker Payne Perryman Phillips Porter Puckett
Shields Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Vining
er Williams of T. Womack and Wright of the House of Representatives—60.

Those who voted for Mr King are messrs President Arnold Crabb Devereaux Elmore
Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith
ry Watrous and Wellborn of the Senate; messrs. Aldridge Alston Address Baker Bates
champ Bestor Boston Calhoun Cane Carney Clifton Clough Cook Cottrell Cross Davis
De Jarnett Godbold Finley Hammond Horton Johnson Jones of B. Jones of c. King Lucas
tin of B. Martin of p. May McClannahan of m. McClannahan of s. McClellan McEmore Morris
son Owen Parker Phillips Prim Ross Scott of J. Sheffield Shields Simmons of L. Sim
Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining We
Weissinger Williams of T. Wilson Womack and Wright of the House of Represe
tives—82.

Messrs. John E. Chambers, William Dewoody, A. R. Drake, S. S. Ewing, George E. G.
rett, James H. Murry, L. C. Newnan, B. Patterson, E. M. Parker, Robert M. Patton, V.
Pruit, Joseph Rice, J. Taylor and Thomas W. King having received a majority of all the
given, Mr Speaker declared them duly and constitutionally elected Directors of the Branch
the Bank of the State of Alabama at Huntsville.

Having gone through the elections the Senate then withdrew. And the House adjourned
three three o'clock P. M.

December 23d, P. M.—The House met pursuant to adjournment.

Mr Bates claiming the constitutional privilege handed in the following protest; which was
ordered to be spread on the Journals of this House, to wit:

I protest against the publication of the report of the cashier of the branch bank at Mx
purporting to be a correct statement of the total amount of liabilities of all officers and di
tors of said branch bank, including those liabilities incurred and unpaid by persons, who at
time of contracting said liabilities were directors, &c.; which report was furnished this Ha
under the following resolution:

Resolved, That the committee on the State Bank, be instructed to request the Preside
the State Bank and the Presidents of the several branch banks of the State of Alabama, to
nish them with a correct statement of the total amount of liabilities of all officers and direc
of the Bank of the State of Alabama and its several branches, including those liabilities in
red and unpaid by persons who at the time of contracting said liabilities, were officers or di
tors of said bank or branch banks, and report the same to this House.

It must be manifest to all reflecting and business men, that the report furnished from the
bank at Mobile, under this resolution, was not such an one as was required or expected
made, and if it were, its publication was an invasion of the chartered rights of our citizens
will be seen by reference to the following enactments: By the 12th section of the act
establishment of the Bank of the State of Alabama, authority is given to the General As
bly, to inspect the general accounts in the books of the bank, and to appoint a commit
that purpose. It is also made the duty of the comptroller to inspect such general accounts
often as he may think proper, with this proviso, that nothing in the clause giving such acc
shall imply a right of inspecting the account of any private individual, or any body con
with the Bank. In the 16th section of the same act, in regard to the powers of the comp
to examine the condition of the bank, there is a proviso to the same effect, viz: That th
shall not be construed to imply a right of inspecting the private accounts of any individ
individuals with the bank. In the 32d section of the same act, prescribing the duties of the
examining committee of both Houses of the General Assembly, there is a proviso of simil
port, so far as the rights of private individuals are concerned, unless those individuals are
pably connected with some imputed violation of the charter, mismanagement of the affa
the bank, or some fraud or imposition, practised on the directors or officers of the institut
In the 21st section of the act establishing the branch bank at Montgomery, there is to be fou
similar proviso, in respect to the power of the General Assembly, to examine the gener
counts of the bank, prohibiting them from inspecting the deposit account of any individual
The same proviso is to be found in the acts for the establishment of the branch banks at Mo
and Decatur.

By these several provisions of law, it plainly appears that the legislature intended to pro
the rights of individuals in their dealings with the several banks, and prevent such public ex
sure of their accounts as might prejudice their interests. The wisdom and justice of this po
on the part of the legislature, is so apparent, that it requires no argument to sustain it. I
what has been the course of the House of Representatives in respect to this matter; has it
been in violation of this policy and calculated essentially to prejudice the rights of individ

under their control, not responsible to them as public officers, but standing simply in relation to the government of the State, as private citizens. By means of the resolution and the report from the branch at Mobile, the indebtedness of individuals who have not been directors for several years, is now published and classed as pending liabilities, contracted while they were directors. Can it be for one moment believed that mercantile firms in Mobile, which for years previous to the disastrous revulsion in business during the past season, were in full undoubted and deserved credit, should be suffered to remain indebted to the bank in such large amounts on account of liabilities incurred when one of the firm was a director some three or four years previous. The supposition is preposterous, and the only conclusion to which we can arrive in regard to those persons shown to be largely indebted at this time, and who have not for years been members of the board of Directors, is that the existing debt has been contracted long since they were in office. If this be true, (as in regard to many of the accounts I know to be so,) these individuals stand in their relation to the banks and the legislature, precisely in the attitude of private citizens, whose rights and interests are under the existing laws of this State in this matter, effectually protected. The publication of the report, therefore, so far as respects these persons, is in violation of their rights, and cannot be justified under the resolution.

The report is calculated to mislead the legislature, and deceive the public in another respect. The amount of every item of debt or liability by note or bill, is charged to as many different accounts as there are directors, whose names are on said note or bill—then if a bill be discounted, drawn by one director for \$5000, it is entered to his account as drawer, if it be endorsed by another director, it is charged to his account as endorser—if it be accepted by another director, it is charged to his account as payor, and if it is offered for discount by a fourth, it is charged on his account as discounter. Thus making an actual debt of \$5000, amount to a debt by the returns of these several liabilities of \$20,000.

I regret the necessity which compels me again to protest against the practice of selecting my constituents as the objects of a peculiarly unjust and unwise and oppressive system of legislation and policy, as is evinced in the order for publication of the report from the branch bank at Mobile; whilst that from all other institutions was laid on the table. J. BATES, Jr.

Mr Carmack moved to suspend the rules of the House for the purpose of introducing a resolution; which was carried. Mr Carmack then offered the following preamble and resolution:

Whereas many bills of importance of a general character being in progress, as also many others of individual interest, which should receive the final action of the General Assembly, before its adjournment; and whereas it is the indispensable duty of the Representatives of the people, to act upon all matters submitted for their consideration, yielding the desire to return home to the public good. *Therefore resolved*, with the concurrence of the Senate, that the resolution heretofore adopted, by which the two Houses of the General Assembly have agreed to adjourn *sine die*, this day the 23d instant, be rescinded, and with the consent of the Senate, the two Houses will adjourn *sine die* on Thursday the 28th instant. Mr Coman moved to lay the resolution on the table; which was lost. Mr Erwin moved to postpone the further consideration until 9 o'clock, P. M. which was carried.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Aldridge Andress Bestor Blake Booker Brevard Calhoun Cane Clifton Clough Coman Cook Erwin Godbold Hammond Martin of P. McAlpin McClannahan of S. McClellan McCord Oliver Parker Payne Perryman Phillips Prim Ross Sheffield Skinner Smith of M. Vining Weissinger and Williams of T.

Those who voted in the negative are, messrs Bates Beauchamp Boston Carmack Cochran Davis of M. Johnson Jones of B. Jones of C. Martin of B. May Morris Owen Porter Shields Simmons of L. Simonton Tarrant Taylor Toulmin Warren Womack and Wright.

Mr McClellan from the committee on enrolled bills, made the following report, to wit: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit: An act to provide for the permanent location of the seat of justice in the county of Greene: An act to incorporate the town of West Wetumpka, and repeal an act entitled an act to incorporate the town of West Wetumpka, approved, January 8th, 1834: joint resolutions in favor the establishment of a pension agency at Tuscaloosa: joint memorial of the General Assembly of the State of Alabama to the Congress of the United States: an act to compensate certain persons therein named.

Mr Boston from the committee on enrolled bills, made the following report viz: The committee on enrolled bills, have examined and find correctly enrolled, bills of the following titles, namely: An act to revise and amend the laws in relation to schools and school lands: an act to incorporate the Dallas riflemen, a company of volunteers: an act to amend and enlarge an act entitled an act to incorporate the town of Gainesville, in the county of Sumter, approved January 10th, 1835: an act authorising the judge of the county court of Montgomery county, to hold a special term of said court: an act to appoint commissioners to contract for and superintend the building of a bridge across Flint river, in Madison county: an act for the support of paupers in the county of Jackson: and an act to regulate the drawing and summoning of jurors for the county of Talladega.

The following message from his Excellency, the Governor, by Mr Gooch, his private secretary, was received by the House, to wit: Mr Speaker—His Excellency, the Governor, this day approved and signed bills which originated in the House of Representatives, of the following titles, to wit: an act to establish the dividing line between the 70th and 80th regiments of Alabama militia, and for other purposes; an act allowing the first battallion of the fourteenth regiment of Alabama militia an additional company: an act to incorporate the town of Jefferson in Cherokee county: an act for the relief of William Chalmers of the county of Pickens: an act to increase the sheriff's fees in Baldwin county: an act to change the time of holding the courts of Barbour and Greene counties: an act to incorporate the Gainesville female academy: an act to incorporate the Salem male and female academy, in the county of Russell: an act to establish a new beat in the county of Dallas: an act to incorporate the town of Allenton in the county of Wilcox: an act to incorporate the Farmer's academy: an act for the benefit of the University of this State: an act to regulate the compensation of witnesses in civil cases: an act for other purposes: an act to provide for the payment of certain persons therein named: an act to amend the laws now in force in relation to the retailers of spiritous liquors: an act to authorize guardians to remove the property of their wards in certain cases: an act more effectually to provide for discoveries in suits at common law: an act to incorporate the Monroe company of volunteer riflemen in the county of Monroe. an act to allow additional compensation to constables for collecting money on executions in the county of Tuscaloosa: an act for the relief of Ben Hazle and Nancy McCain: an act to increase the revenue fund: and also joint resolutions in relation to the annexation of part of West Florida to the State of Alabama:

The House took from the special order of the day the bill from the senate, authorizing the branch of the bank of the State of Alabama at Mobile, to increase its issues to be advanced upon the shipment of cotton, was read the third time and passed.

The yeas and nays being desired, those who voted in the affirmative are, messrs Speaker Andrews Beauchamp Bestor Brevard Calhoun Cochran Cook Cottrell De Jarnett Erwin Godbold Johnson Jones Martin of A. May McAlpin McClannahan of S. McCord Morris Oliver Payne Perryman Phillips Prim Ross Shields Simonton Tarrant Toulmin Weissinger Williams of T. and Womack.

Those who voted in the negative are, messrs Aldridge Blake Booker Boston Cane Carmack Davis of M. Hammond Martin of B. Parker Simmons of L. Skinner Slaughter Smith of M. Taylor T. and Warren.

Ordered that the clerk acquaint the senate therewith.

The bill from the senate to establish a 10th judicial circuit was taken up and read the second time. Mr Boston moved to lay the bill on the table. Mr Shields moved to suspend the rule requiring bills to be read on three several days for the purpose of giving the bill a third reading forthwith, which was yeas 31, nays 25.

The yeas and nays being desired, those who voted in the affirmative, are, messrs. Speaker Andrews Beauchamp Brevard Calhoun Clough Cochran Cook Erwin Godbold Jones of B. Jones of A. Martin of B. May McAlpin McClannahan of S. McCord Morris Nelson Oliver Owen Payne Perryman Prim Ross Shields Simonton Toulmin and Womack.

Those who voted in the negative, are messrs. Aldridge Bestor Booker Boston Cane Carmack Coman Cottrell Davis of M. DeJarnett Finley Hammond Horton Johnson Prim Sheffield Simmons Skinner Smith of D. Smith of M. Tarrant Taylor Vining Warren and Williams of T.

There not being a constitutional majority, the rule was not suspended. The bill was then ordered to a third reading on Monday next.

A message from the Senate was received by Mr Childress their assistant secretary.—Mr Speaker: The Senate have passed a joint resolution of the General Assembly of the state of Alabama in relation to the boundary line between the state and the state of Georgia. In which the concurrence of the Senate is asked.

They have passed a bill from the House of Representatives making appropriations for the year 1838.

The following message was received from the senate by Mr Childress their assistant secretary.—Mr Speaker: The Senate have adopted the following resolution: *Resolved*. Whereas we have passed a resolution to adjourn on the 23d instant, and whereas, there is at this time considerable business unfinished, which it is important to the public interest that it should be acted upon, *therefore*, be *Resolved*, that the resolution to adjourn on the 23d instant, be, and the same is hereby rescinded. Mr Erwin moved to postpone the action of the House on said resolution from the Senate, until 9 o'clock P. M. this day, which was carried yeas 37, nays 30.

The yeas and nays being desired, those who voted in the affirmative, are messrs speaker Aldridge Blake Brevard Calhoun Cane Coman Cook Cottrell Cross Davis of B. De Jarnett Erwin

Edmond Jones of B. Martin of P. McAlpin McClannahan of S. McCord Nelson Oliver Parker Payne Per-
 Phillips Porter Prim Rawls Ross Sheffield Skinner Smith of D. Smith of M. Vining and Williams

Those who voted in the negative are, messrs Beauchamp Bates Bestor Booker Boston Carmack Clifton
 Cochran Davis of M. Godbold Horton Johnson Jones of C. Martin of B. May McLemore Morris O-
 wen Shields Simmons of L. Simonton Tarrant Taylor Toulmin Warren Weissinger Womack and
 Wright.

The joint resolution from the Senate in relation to the boundary line between
 this State and the State of Georgia, was taken up and read, and the rule requir-
 ing bills and joint resolutions to be read on three several days being dispensed
 with, it was read a second time forthwith. Mr Erwin moved to amend by strik-
 ing out all after the third and fourth resolutions.

Mr Cottrell moved to adjourn until 8 o'clock P. M., which was lost. Mr Mar-
 tin then moved to adjourn to 7 o'clock P. M., which was carried. The House
 then adjourned until 7 o'clock P. M.

Evening Session, Saturday December 23d, 1837.—House met pursuant to
 adjournment.

Message from the Senate by Mr Connor their secretary—Mr Speaker: The
 Senate recede from the amendment to the bill, the better to regulate the taxing
 of pedlars and shows, as disagreed to by the House: the Senate insists on their
 amendment to the bill entitled, "an act to amend judicial proceedings in certain
 cases:" the Senate recedes from their amendments as disagreed to by the House
 of Representatives, to the bill to be entitled, "an act to amend the law in relation
 to attachments."

Mr May called up the bill from the Senate to provide for the payment of pro-
 visions and other articles furnished the troops in the service of the United States:
 which was read the second time, and the constitutional rule which requires bills
 to be read on three several days, being dispensed with, it was read the third time
 forthwith, and passed. Ordered, that the clerk acquaint the Senate therewith.

Leave of absence was granted to Mr McClannahan of M. for the remainder of
 the session.

Mr May called up the bill to provide for the payment of a corps of troops therein specified,
 which was read the second time and the constitutional rule requiring bills to be read on three
 several days being dispensed with, the bill was taken as engrossed, read a third time and pass-
 ed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concur-
 rence.

The following message was received from the Senate by Mr Chidress their assistant secreta-
 ry—Mr Speaker: The Senate have passed bills from the House of Representatives of the fol-
 lowing titles: an act in relation to the county court of Mobile county: an act requiring the
 State printer to provide an additional number of the Acts and Journals of the General Assem-
 bly and to distribute the same in the counties therein named: an act to amend the act incorpo-
 rating the Cahawba navigation company: engrossed joint resolution of the General Assembly
 of the State of Alabama authorizing the Secretary of State to purchase a certain number of
 copies of Aikin's Digest for the use of certain counties therein named: and an act to raise a
 revenue for Baldwin county.

Mr Owen from the committee on enrolled bills made the following report: The committee
 on enrolled bills to which were referred bills entitled, an act for the compensation of talis jurors
 in the county of Marengo; and an act to alter the patrol laws now in force in the county of Jef-
 ferson, have examined and find the same correctly and perfectly enrolled.

Mr May called up the bill from the Senate to provide for the payment of horses lost while in
 the service of the United States; which was read the second time. Mr Boston moved to lay the
 bill on the table; which was carried.

Mr McClellan from the committee on enrolled bills reported, that the committee on enrolled
 bills have examined and find correctly enrolled bills of the following titles, to wit: an act to in-
 corporate the town of Franklin in the county of Macon, an act making appropriations for the
 year one thousand eight hundred and thirty-eight, an act to incorporate the Bridgeville male
 and female academy in Pickens county.

Mr Porter called up the bill making appropriations for the payment of certain claims therein
 named; which was read the second time. Mr Porter moved to amend the same; which was

carried. Mr Owen moved to amend by an additional section; which was carried. Mr May moved to amend by appropriating an amount to Wharton and Clyde; which was carried. Mr Coman moved to strike out "one thousand dollars" where it occurs in the bill before the words "Ferguson & Eaton;" which was lost. Yeas 29, nays 31.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Speaker Aldridge Address Ashurst Bates Boston Carmack Coman Cook Cottrell Cross De Jarnett Erwin Finley Hammond Jones of B. Lee McAlpin McClellan Morris Oliver Owen Parker Perryman Ross Simmons of L. S. Monton Tarrant and Wright.

Those who voted in the negative are, messrs Beauchamp Bestor Booker Brevard Calhoun Cane Clark Cochran Davis of B. Davis of m. Godbold Johnson Jones of C. May McCord Nelson Payne Porter Price Scott of J. Scott of m. Shields Skinner Slaughter Smith of D. Smith of m. Taylor Toulmin Warren Williams of T. and Womack.

The following message was received from his Excellency, the Governor, by Mr Gorch private Secretary, to wit: Mr Speaker—His Excellency, the Governor, this day approved and signed bills, which originated in the House of Representatives, of the following titles, to wit: An act to compensate certain persons therein named: an act prescribing the time of holding the circuit court in the sixth judicial circuit: an act to provide for taking the census of the year 1838: an act to amend and enlarge an act, entitled an act to incorporate the town of Gainesville in the county of Sumter, approved January 10, 1835: an act to regulate the drawing and summoning jurors for the county of Talladega: an act to appoint commissioners to contract for and superintend the building of a bridge across Flint river in Madison county: an act to revise and amend the laws in relation to schools, and school lands: an act for the support of Paupers in the county of Jackson: an act to incorporate the Dallas riflemen, a company of volunteers: an act to incorporate the Alabama Lever Press and Insurance company: an act to regulate the sessions of the county court of Marengo county: an act to incorporate the Gainesville male academy: an act to compensate Pereival Halbert, for a slave executed according to law and for other purposes.

The following message was received from the Senate, by Mr Childress, their assistant secretary: Mr Speaker—The Senate have passed a joint memorial of the General Assembly of the State of Alabama to the Congress of the United States: An act to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer: an act to incorporate Good Hope male and female academy: an act to incorporate the trustees of the Maplesville academy: an act to authorise Nathan Biman and his associates to turnpike a certain road therein named: an act to incorporate the Oak Bowry academy: an act for the relief of the legal representative of George W. Owen, late of Mobile county, deceased: an act to raise a revenue for Baldwin county: an act to change and designate the line between the counties of Marshall and Madison, and for other purposes: and an act to provide for the payment of a corpse of troops therein named.

The bill making appropriations for the payment of certain claims therein named, being under consideration: Mr Finley moved to amend by adding the following: "To Alex. Riddle Sheriff of Jackson county, three hundred and sixty dollars and ten cents;" which was carried. Mr Scott of m. moved to amend by adding a certain sum to Daniel Patridge, jailor of Montgomery county; which was carried. Mr Calhoun moved to amend by striking out all that relates to an appropriation of \$1500, to Augustine Lynch, for furniture; which was lost.

A message was received from the Senate by Mr Connor, their secretary, as follows: Mr Speaker—The Senate have passed a bill from the House of Representatives, entitled an act to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama and its several branches, and have amended the same as therein shown, in which they ask the concurrence of the House of Representatives.

The bill making appropriations for the payment of certain claims therein named, being yet under consideration, Mr Aldridge moved to amend by an additional section, as follows: Sec. And be it further enacted, that the sum of twenty dollars be allowed W. H. Brazeal for conveying John E. Little, (charged with House burning,) from the county of Blount, to the jail of Morgan county; which was lost; and the rule requiring bills to be read on three several days, being dispensed with, the bill was taken as engrossed, read a third time forthwith and passed. Ordered that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr McClellan called up the bill from the Senate entitled an act for the payment of certain claims therein named; which was read the third time and passed. Ordered that the clerk acquaint the Senate therewith.

Mr McCord from the committee on enrolled bills, reported that the committee on enrolled bills have examined and find correctly enrolled, the following acts, to wit: an act to provide for the sampling of cotton in the city of Mobile: and a joint resolution authorizing the secretary of State to purchase a certain number of copies of Aikin's Digest, for the use of certain counties therein named.

Scott of J. called up the bill from the Senate entitled an act for the relief of William of madison county, which was read the second time. Mr McClung (in the chair,) to amend by way of proviso. Mr May moved to lay the amendment on the table; which carried. The bill was then ordered to a third reading on Monday next.

A message from the Senate, by Mr Connor their secretary: Mr Speaker--The Senate concur in amendments made by the House of Representatives, to the bill entitled an act for the payment of sundry claims therein named. They have also passed a bill from the House of Representatives entitled an act making appropriations for the payment of claims against the State: Mr Williams of T. called up the engrossed bill to discontinue and established a certain election precinct therein named; which was read the third time and passed. Ordered, that the title be as aforesaid, and that it be sent to the Senate for their concurrence.

Mr Bates called up the bill from the Senate to alter and amend the charter of the Alabama Insurance and Trust company; which was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, the bill was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Payne called up the bill from the Senate to authorise the Tennessee Canal company to settle and pay for work done on said canal by John R. and L. S. Henry, assignee of John B. Gris & Co. upon the principles of equity and justice; which was read the second time, and the rule requiring bills to be read on three several days, being dispensed with, it was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Taylor called up the bill from the Senate, entitled an act to explain an act to increase the pay of jurors in certain counties therein named; which was read the second time and the rule requiring bills to be read on three several days being dispensed with, it was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Shields called up the bill from the Senate entitled, "an act for the relief of certain persons therein named; which was read the first time. Mr Calhoun moved to lay the bill on the table; which was carried.

Mr Johnson called up the bill from the Senate entitled an act to provide for the creation of the seat of Justice for Marshall county, and for other purposes; which was read and the rule requiring bills to be read on three several days being dispensed with, it was read the second time forthwith, and said rule being further dispensed with, the bill was forthwith read a third time and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Bates called up the bill from the Senate to incorporate the Farmer's insurance company of Mobile, which was read the second time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Childress their assistant secretary--Mr Speaker: the Senate have passed a bill from the House of Representatives, entitled an act to discontinue and establish certain election precincts, and have amended the same as therein shewn.

Mr Booker called from the message of the Senate the bill to appropriate a certain sum for the compensation of the Muscle Shoals canal, as amended by the Senate. Ordered, that the House concur in the amendment of the Senate thereto.

Mr Martin called up the bill from the Senate to incorporate the town of Pickensville in the county of Pickens, which was read. Mr Calhoun moved to postpone its further consideration until Monday; which was carried.

Mr Cochran called up the bill from the Senate to declare Sipsey river a public highway, which was read the second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr May called up the bill to compensate certain persons for services rendered the State and for other purposes, which was read the second time. Mr Cottrell moved to amend by adding to the end of the bill an additional section; which was carried. Mr Womack moved to amend by appropriating several sums of money to sundry persons therein named; which was carried, and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. Ordered, that the title be as aforesaid and that it be sent to the Senate for their concurrence.

Mr May called up the bill from the Senate to provide for the payment of certain claims therein specified, which was read the second time. Mr Scott of M. moved to lay the bill on the table; which was carried.

Mr Owen from the committee on enrolled bills made the following report: The committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit: an act to provide for the provisions and other articles furnished the troops while in the service of the United States: an act to change and designate the line between the counties of Marshall and Madison and for other purposes: an act the better to regulate the taxing of pedlars and

shows: an act to provide for the payment of a corps of troops therein specified: an act to amend the act incorporating the Cahawba navigation company: an act to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer, and an act to print an additional number of the acts and journals of the General Assembly and to distribute the same in the counties therein named.

Mr Bates called up the bill from the Senate to incorporate the Mobile aqueduct company, which was read the second time, and the rule requiring bills to be read on three several days being dispensed with the bill was read the third time forthwith and passed. Ordered, that the clerk acquaint the Senate therewith.

Mr Williams of T. offered a joint resolution to keep and preserve the furniture belonging to the two Houses of the General Assembly; which was read the first time, and the rule requiring bills and joint resolutions to be read on three several days by the constitution, was dispensed with, and the resolution read a second and third time forthwith. Ordered, that it be sent to the Senate for their concurrence.

A message from the Senate by Mr Childress their assistant secretary, to wit—Mr Speaker: The Senate have adopted the following resolution: Resolved, with the concurrence of the Senate the two Houses will adjourn on Monday next at 11 o'clock, sine die, and that the joint resolution proposing to adjourn on this day be and the same is hereby rescinded.

The House resumed the consideration of the joint resolution of the General Assembly of the State of Alabama in relation to the boundary line between this State and the State of Georgia.

The question was taken on Mr Erwin's motion to strike out the 3d and 4th resolutions; which was carried. The resolutions as amended, was then adopted. Ordered, that the clerk acquaint the Senate therewith.

The House took up the message from the Senate rescinding the joint resolutions in relation to the adjournment of the two Houses on this day, also their resolution to adjourn the two Houses on Monday next, at 11 o'clock, sine die. Mr Calhoun moved to amend by saying "11 o'clock, A. M." which was carried. Mr Cottrell moved to amend by adding "that the same is hereby rescinded;" which was carried. And the resolution to adjourn sine die, on Monday next, at 11 o'clock, A. M., was adopted. Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate disagree to the amendment made by the House to the joint resolutions in relation to the boundary between this State and the State of Georgia.

A message from the Senate by Mr Childress their assistant secretary—Mr Speaker: The Senate have adopted the joint resolutions from the House of Representatives to take charge of the furniture, &c., and have amended the same as therein shown.

Mr Smith of m. offered the following resolution: Resolved, that the report of the President of the Bank of the State of Alabama and of the several Branch Banks at Montgomery, Decatur and Huntsville on the indebtedness of the presidents and directors thereof, be printed and annexed to the journals of the House of Representatives and of the Senate.

A message from the Senate by Mr Connor their secretary—Mr Speaker: The Senate concur in the amendment of the House of Representatives to the resolution of the Senate to adjourn sine die, on Monday at 11 o'clock.

The resolution offered by Mr Smith of m. in relation to the printing and annexing to the journals of the two Houses, the reports of the presidents of the several Banks, being under consideration, when Mr Calhoun moved to adjourn until Monday morning 8 o'clock; which was carried.

Monday, December 25.—The following message was received from the Senate by Mr Connor their Secretary—Mr Speaker: The Senate have adopted the following resolution, Resolved That a committee be appointed to act with such committee as may be appointed on the part of the House to meet on the Governor, ascertaining if he has any further communications to make to the General Assembly, and have appointed on their part, messrs Moore, Smith and Rather; which resolution was concurred in by the House—and messrs Williams of T. Porter and Davis of m. were appointed said committee on the part of the House.

Mr Williams of T. from the joint committee appointed to wait on the Governor and inform him of the readiness of the two Houses to adjourn sine die, reported that they had discharged the duty assigned them, and received for answer from his Excellency, that he had no further communication to make, which report was ordered to lie on the table.

Mr Calhoun offered the following resolution, Resolved, That the thanks of the members of the General Assembly are due to and are hereby tendered the Honorable James W. McClung, for the impartiality, dignity and ability with which he has presided over the deliberations of the House of Representatives, during the present session; which was unanimously adopted. And on motion to adjourn Mr Speaker rose and addressed the House in an appropriate manner, expressive of his thanks for the honor conferred on him by the House, in their resolution just adopted—and pronounced this House adjourned sine die.

JAMES W. McCLUNG,
Speaker of the House of Representatives.

Test. GIDEON B. FRIERSON,
Clerk of the House of Representatives.